

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION

4 -----  
5 BARBARA LODER :  
6 HILDEBRANDT, :  
7 :  
8 Plaintiff, :  
9 vs. : Case No. C-1-02-003  
10 : (Judge Beckwith)  
11 HYATT CORPORATION, :  
12 et al., :  
13 :  
14 Defendants. :  
15 -----

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2 Videotaped deposition of BRIAN J. BOOTH, a  
3 defendant herein, called by the plaintiff for cross-  
4 examination, pursuant to the Federal Rules of Civil  
5 Procedure, taken before me, Wendy L. Welsh, a  
6 Registered Merit Reporter and Notary Public in and  
7 for the State of Ohio, at the offices of Waite,  
8 Schneider, Bayless & Chesley, 1513 Central Trust  
9 Tower, Five West Fourth Street, Cincinnati, Ohio, on  
0 Wednesday, March 20, 2002, at 9:00 AM.

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09:00:48 1 Q. Who is paying your attorney fees on your  
09:00:52 2 behalf?  
09:00:52 3 A. Hyatt Corporation.  
09:00:55 4 Q. Okay. Have you been or are you  
09:00:56 5 represented by any other attorneys in this matter?  
09:01:02 6 A. No.  
09:01:02 7 Q. I just want to review the basic procedure  
09:01:06 8 in a deposition. Your testimony is sworn just like  
09:01:09 9 it would be in court except the Judge isn't here.  
09:01:12 10 It's important to answer audibly so the  
09:01:15 11 court reporter can take down either a yes or no. If  
09:01:18 12 you don't understand a question, just let me know  
09:01:22 13 and I'll rephrase it; otherwise, I'm going to assume  
09:01:26 14 you understand the question.  
09:01:28 15 You have the right to read and correct  
09:01:30 16 errors and sign the deposition before it's filed.  
09:01:35 17 If your attorney makes an objection to one  
09:01:38 18 of my questions during the deposition, you still  
09:01:42 19 have to answer the question unless your attorney  
09:01:45 20 instructs you not to answer it. In other words,  
09:01:49 21 even though an objection is made, you're supposed to  
09:01:51 22 still answer --  
09:01:52 23 A. Okay.  
09:01:52 24 Q. -- the question. Do you have any

09:03:17 1 A. Yes, it is.  
09:03:19 2 Q. Okay. And you're aware that she was  
09:03:21 3 employed with Hyatt previously in other capacities?  
09:03:25 4 A. That's correct.  
09:03:25 5 Q. She had been totally employed about 22  
09:03:29 6 years?  
09:03:29 7 A. That's correct.  
09:03:30 8 Q. And then it says "Recently due to the  
09:03:33 9 economy, Hyatt needed to eliminate a number of  
09:03:36 10 positions including Barbara's position." To your  
09:03:40 11 knowledge, is that true?  
09:03:42 12 A. Yes, it is.  
09:03:44 13 Q. And then it says "Barbara was separated  
09:03:46 14 from the company through no fault of her own." To  
09:03:50 15 your knowledge, is that a correct statement?  
09:03:53 16 A. That's absolutely correct.  
09:03:53 17 (Plaintiff's Exhibit 2  
09:03:53 18 was marked for  
09:03:53 19 identification.)  
09:04:18 19 Q. Okay. Let me show you Exhibit Number 2.  
09:04:18 20 Are you able to identify Exhibit Number 2?  
09:04:21 21 A. This is the first time I've seen this  
09:04:24 22 document.  
09:04:25 23 Q. Okay. Then we'll pass over that.  
09:04:35 24 Mr. Booth, did you participate in any way

09:01:55 1 questions about deposition procedure?  
09:01:57 2 A. No.  
09:01:59 3 Q. Okay. Any time that you'd like to take a  
09:02:01 4 break, let me know and we'll take a break.  
09:02:03 5 A. Okay.  
09:02:04 6 Q. Okay. I also should say that it's  
09:02:15 7 informal. If you want to take off your jacket at  
09:02:17 8 any time, you're welcome to do that.  
09:02:20 9 A. Okay.  
09:02:20 10 (Plaintiff's Exhibit 1  
09:02:20 11 was marked for  
09:02:20 12 identification.)  
09:02:20 13 Q: I'm going to start off with Exhibit  
09:02:22 14 Number 1 and give a marked copy to the court  
09:02:26 15 reporter, a copy for you and for counsel. Can you  
09:02:40 16 identify Exhibit Number 1?  
09:02:42 17 A. This was the letter that we were told was  
09:02:44 18 going to be going out from human resources to the  
09:02:50 19 individuals affected by the reduction in force.  
09:02:53 20 Q. Okay. Now, this letter says that Barbara  
09:02:58 21 Loder was employed by Hyatt Hotels Corporation in  
09:03:04 22 the position of Director of National Accounts in the  
09:03:08 23 Sales Department from February 1, 1996 until  
09:03:12 24 October 1, 2001. To your knowledge, is that a  
09:03:16 25 correct statement?

09:04:38 1 in the decision to fire Mrs. Hildebrandt?  
09:04:44 2 A. No.  
09:04:45 3 Q. Okay. Did you have any role in her  
09:04:50 4 termination?  
09:04:50 5 A. I was asked if the plan that was provided  
09:04:54 6 to me by Jack Horne, if it was a workable plan if  
09:04:58 7 this had to take place.  
09:05:01 8 Q. Okay. And when did that occur?  
09:05:03 9 A. It was around the third week of September.  
09:05:08 10 Q. Okay. Can you be any more specific as to  
09:05:09 11 the date?  
09:05:12 12 A. I -- I would say somewhere between the  
09:05:13 13 22nd and 24th.  
09:05:17 14 Q. Okay. And was this a conference or a  
09:05:20 15 conversation with Mr. Horne?  
09:05:22 16 A. Yes, it was.  
09:05:23 17 Q. Was anyone else present?  
09:05:25 18 A. No.  
09:05:27 19 Q. Okay. Where did this take place?  
09:05:30 20 A. In Jack's office in Chicago.  
09:05:31 21 Q. Were you both present in the office?  
09:05:33 22 A. Yes, we were.  
09:05:34 23 Q. Can you tell me as best you can remember  
09:05:37 24 what he said and what you said.

09:05:40 1 A. Jack presented a plan to me that potential  
09:05:43 2 reductions may be needed. He outlined the positions  
09:05:48 3 that would affect my office and he asked me to look  
09:05:51 4 at it and see, if it -- if it did take place, would  
09:05:54 5 it be workable.

09:05:55 6 Q. And this was something that was on a piece  
09:05:58 7 of paper?

09:05:59 8 A. It was a -- it was a verbal discussion we  
09:06:00 9 had.

09:06:03 10 Q. Okay. When you said he presented a plan,  
09:06:06 11 it was orally, there was no written plan?

09:06:08 12 A. No, it was an oral -- oral plan.

09:06:12 13 Q. Okay. And did you have any input in any  
09:06:14 14 way as to which people would be terminated?

09:06:17 15 A. No, I did not.

09:06:18 16 Q. Okay. Had you heard or learned of these  
09:06:24 17 terminations prior to September 22nd?

09:06:27 18 A. No, I had not.

09:06:27 19 Q. Was Mrs. Hildebrandt one of the people  
09:06:39 20 that Mr. Horne intended to terminate?

09:06:43 21 A. The position of Cincinnati sales office  
09:06:45 22 was on that list, yes.

09:06:47 23 Q. Okay. Did you make any objection at all  
09:06:49 24 to her being terminated?

09:08:26 1 Q. Okay. Do you have any understanding as to  
09:08:30 2 how firing her could possibly minimize the impact of  
09:08:34 3 production?

09:08:35 4 MS. GALLION: I object to the use of the  
09:08:36 5 term "firing her," as that is not what the  
09:08:38 6 record indicates.

09:08:39 7 Subject to that objection, you may answer.

09:08:41 8 A. No, I do not.

09:08:42 9 Q. Okay. Is there -- is there any question  
09:08:43 10 in your mind that Mrs. Hildebrandt's employment was  
09:08:46 11 terminated?

09:08:49 12 A. I'm still not sure I understand that  
09:08:52 13 question.

09:08:52 14 Q. Wasn't she -- wasn't her employment  
09:08:53 15 terminated?

09:08:54 16 A. The position was eliminated in Cincinnati,  
09:08:56 17 yes.

09:08:56 18 Q. Didn't she lose her job?

09:08:58 19 A. Yes, she did, sir.

09:08:59 20 Q. Involuntarily?

09:09:00 21 A. Yes, she did.

09:09:01 22 Q. Do you feel she wasn't fired?

09:09:04 23 A. The -- the position was closed in  
09:09:06 24 Cincinnati. So it -- she did -- it did result in a

09:06:51 1 A. At that point I was asked to review the  
09:06:54 2 plan, so no, I did not make -- make any objection to  
09:06:57 3 anyone.

09:07:06 4 Q. Did you have any discussions with any  
09:07:08 5 other Hyatt officials about terminating Mrs.  
09:07:13 6 Hildebrandt?

09:07:15 7 A. No.

09:07:18 8 Q. Did Mr. Horne tell you why he had chosen  
09:07:32 9 her to be terminated as opposed to someone else?

09:07:32 10 A. The -- the plan that he presented to me  
09:07:32 11 was to lay out the ability to minimize impact of  
09:07:34 12 production, at the same time achieving the cost  
09:07:38 13 savings desired and still have good customer  
09:07:41 14 relationships.

09:07:58 15 Q. All right. Tell me, how would firing Mrs.  
09:08:00 16 Hildebrandt minimize the impact of production?

09:08:06 17 A. Jack's plan -- he did not get into that  
09:08:09 18 aspect of the plan with me. He said, look at this  
09:08:13 19 plan and, if this happened, would it be workable.  
09:08:16 20 So I -- I don't know what Jack's thoughts were with  
09:08:18 21 regard to that aspect.

09:08:20 22 Q. Wasn't Mrs. Hildebrandt one of the higher  
09:08:23 23 producers in her region?

09:08:24 24 A. Yes, she was.

09:09:11 1 job loss.

09:09:13 2 Q. Okay. The second point you mentioned was  
09:09:16 3 to achieve cost savings?

09:09:20 4 A. Yes.

09:09:22 5 Q. How would firing Mrs. Hildebrandt achieve  
09:09:25 6 a cost savings?

09:09:27 7 MS. GALLION: Same objection. And I will  
09:09:28 8 not continue to object. Every time he uses the  
09:09:31 9 word "firing" Mrs. Hildebrandt I have the same  
09:09:33 10 objection.

09:09:33 11 You may answer.

09:09:35 12 A. Jack did not share with me the specific  
09:09:38 13 cost savings with his plan.

09:09:39 14 Q. Do you have any understanding of how there  
09:09:42 15 could possibly be a cost savings to the company in  
09:09:44 16 firing Mrs. Hildebrandt?

09:09:46 17 A. Again, Jack did not share that aspect of  
09:09:49 18 the plan with me.

09:09:52 19 Q. And finally, you wanted to still have good  
09:09:57 20 customer relations?

09:09:58 21 A. Correct.

09:09:59 22 Q. How could firing Mrs. Hildebrandt create  
09:10:02 23 good customer relations?

09:10:04 24 MS. GALLION: Same objection.

09:10:06 1 You may answer.

09:10:07 2 A. As we went through the process of -- of

09:10:09 3 calling customers, it -- it became very apparent

09:10:12 4 that Ms. Hildebrandt had a tremendous following, and

09:10:18 5 we made personal calls to everyone to let them know

09:10:21 6 that the close of the Cincinnati office had occurred

09:10:24 7 and it was through no fault of -- of Mrs.

09:10:26 8 Hildebrandt's.

09:10:28 9 Q. Isn't it a fact that her customers were

09:10:29 10 very upset that she was fired?

09:10:31 11 A. That's correct, they were. I -- I spoke

09:10:33 12 with the majority of them.

09:10:34 13 Q. And that certainly doesn't lead to good

09:10:37 14 customer relations, does it?

09:10:38 15 A. It did not on that -- on that particular

09:10:40 16 call, no.

09:10:43 17 Q. Did you or anyone else offer Mrs.

09:10:48 18 Hildebrandt another position in the company?

09:10:51 19 A. No.

09:10:52 20 Q. Why didn't you?

09:10:53 21 A. There was no other positions to be offered

09:10:56 22 at -- at the time we went through the downsizing.

09:11:03 23 Q. Have there been no other positions

09:11:05 24 available since the downsizing?

09:11:08 1 A. Are you speaking in my office or with the

09:11:12 2 company?

09:11:12 3 Q. That you know of in Hyatt.

09:11:14 4 A. I do not know of any, no.

09:11:16 5 Q. You don't know of any sales positions in

09:11:19 6 Hyatt that have been available since Mrs.

09:11:21 7 Hildebrandt was terminated?

09:11:22 8 A. Well, I -- I -- in my office I have a

09:11:25 9 position open now, but that happened as of last

09:11:27 10 Friday.

09:11:34 11 Q. Okay. When did Mr. Horne first consider

09:11:37 12 ending her employment?

09:11:38 13 MS. GALLION: Objection, calls for

09:11:41 14 speculation.

09:11:41 15 If you know, you may answer.

09:11:42 16 A. I do not know.

09:11:50 17 Q. When did Mr. Horne or any Hyatt official

09:11:53 18 first consider terminating anybody in the national

09:11:56 19 sales force?

09:11:58 20 MS. GALLION: Objection. Calls for

09:11:59 21 speculation.

09:12:00 22 If you know, you may answer.

09:12:02 23 A. That's another question I don't know.

09:12:03 24 Q. Did anyone tell you that there was a

09:12:13 1 reduction in force taking place?

09:12:16 2 A. Prior to Jack's conversation with me?

09:12:20 3 Q. At -- at any time.

09:12:20 4 A. No.

09:12:23 5 Q. Okay. Up until today has anyone ever told

09:12:30 6 you that Hyatt was engaged in a reduction in force?

09:12:35 7 A. Well, that took place in September of last

09:12:38 8 year, yes.

09:12:39 9 Q. Okay. Who told you that there was a

09:12:41 10 reduction in force?

09:12:43 11 A. Jack Horne.

09:12:45 12 Q. And when did he tell you that?

09:12:47 13 A. He told me September 27th.

09:12:53 14 Q. Okay. What specifically did he tell you

09:12:56 15 about the reduction in force?

09:12:58 16 A. He came into my office and said, the plan

09:13:03 17 that I had presented to you earlier is going to be

09:13:08 18 implemented and these are the positions that would

09:13:11 19 be eliminated from your office.

09:13:17 20 Q. Okay. So when he presented this plan to

09:13:20 21 you somewhere around September 22nd, you didn't

09:13:23 22 understand there was going to be a reduction in

09:13:25 23 force?

09:13:25 24 A. He presented it as -- as a -- as a

09:13:28 1 possibility.

09:13:30 2 Q. Okay. Tell me what he told you about it

09:13:31 3 being a possibility.

09:13:33 4 A. He said that we were -- be looking to

09:13:37 5 reduce expenses, the figures from the -- the field

09:13:40 6 were severe with -- with the 9/11 incident and he

09:13:44 7 said this may come about. He said if this does

09:13:48 8 happen, you need to be prepared for this. But he

09:13:51 9 said, at this point it is strictly a possibility.

09:13:54 10 Nothing had been decided upon.

09:13:56 11 Q. Did he tell you when he began to implement

09:13:58 12 that plan?

09:13:58 13 A. No, he did not.

09:14:11 14 Q. Okay. Did you play any role in this

09:14:11 15 reduction in force?

09:14:11 16 A. No.

09:14:11 17 Q. Well, you did notify people they were

09:14:12 18 terminated?

09:14:13 19 A. Well, I did notify, but I didn't

09:14:16 20 participate prior to that.

09:14:20 21 Q. Okay.

09:14:20 22 A. So let me -- let me revise that -- that

09:14:21 23 answer. I did communicate to the players involved,

09:14:24 24 yes.

09:14:26 1 Q. Can you tell me just specifically what you  
 09:14:28 2 did in connection with this reduction in force?  
 09:14:30 3 A. It was my responsibility to inform the  
 09:14:33 4 individuals, if they were in Chicago, to -- that Ty  
 09:14:38 5 Helms would like to meet with them, along with Jack  
 09:14:40 6 Horne, to discuss their career with Hyatt.  
 09:14:44 7 Q. Okay. And is this something you were told  
 09:14:45 8 to do or something you decided to do?  
 09:14:47 9 A. No, I was instructed to do it.  
 09:14:49 10 Q. And who instructed you to do that?  
 09:14:50 11 A. Jack Horne.  
 09:14:51 12 Q. Okay. When did he give you that  
 09:14:54 13 instruction?  
 09:14:54 14 A. On September 27th.  
 09:14:58 15 Q. And when were you supposed to take this  
 09:15:01 16 action?  
 09:15:01 17 A. The following day, on the 28th.  
 09:15:03 18 Q. All right. And were you to contact any  
 09:15:08 19 persons other than people in Chicago?  
 09:15:11 20 A. It would have been Ms. Hildebrandt in  
 09:15:15 21 Cincinnati.  
 09:15:16 22 Q. Anyone else?  
 09:15:17 23 A. No.  
 09:15:17 24 Q. Okay. Did you supervise people in other

09:15:19 1 areas?  
 09:15:20 2 A. Yes. Michigan and Dallas and in Chicago  
 09:15:25 3 and then here in Cincinnati.  
 09:15:27 4 Q. Okay. Who was going to contact them?  
 09:15:30 5 A. It was only going to be the individuals  
 09:15:32 6 affected who were -- who were to be -- to get the  
 09:15:34 7 call.  
 09:15:36 8 Q. Okay. So individuals in these other  
 09:15:38 9 locations were not affected?  
 09:15:39 10 A. That's correct.  
 09:15:49 11 Q. All right.  
 09:15:49 12 All right. Let's just go back a little  
 09:15:50 13 bit to around the second part of the year 2000.  
 09:15:56 14 A. Okay.  
 09:15:58 15 Q. Okay? What were the indications that you  
 09:16:02 16 were aware of at that time that the year 2001 was  
 09:16:09 17 going to be a more difficult year for the hotel  
 09:16:12 18 industry?  
 09:16:13 19 A. We started to see some decline in our  
 09:16:16 20 production within the central national sales office  
 09:16:20 21 through monthly reports from the directors. They  
 09:16:23 22 were indicating it was becoming more difficult to  
 09:16:25 23 close on business.  
 09:16:27 24 Q. Okay. Were you able to tell at that point

09:16:28 1 that you were heading into a recession?  
 09:16:31 2 A. Yes.  
 09:16:58 3 Q. Are you aware of people that were hired  
 09:17:01 4 into the national sales force during the year 2001?  
 09:17:09 5 A. Just the individuals in my office.  
 09:17:11 6 Q. Okay. Who is it that you're aware of?  
 09:17:14 7 A. Donna Bongiovanni.  
 09:17:17 8 Q. Can you -- can you spell her name?  
 09:17:18 9 A. Yes, B-O-N-G-I-O-V-A-N-N-I.  
 09:17:23 10 Q. All right.  
 09:17:24 11 A. Was -- was hired. Molly Crompton  
 09:17:29 12 transferred from our Washington national sales  
 09:17:30 13 office.  
 09:17:34 14 Q. All right.  
 09:17:35 15 A. And Inge, I-N-G-E, Spindola,  
 09:17:36 16 S-P-I-N-D-O-L-A, transferred from Caribbean national  
 09:17:44 17 sales to the central national sales office.  
 09:17:49 18 Q. All right. And they didn't replace  
 09:17:50 19 anyone, did they?  
 09:17:52 20 A. Molly Crompton replaced Terri Williams.  
 09:17:58 21 Q. Where had Terri Williams been located?  
 09:18:01 22 A. Terri Williams was in Dallas.  
 09:18:02 23 Q. Okay. Did Molly go to Dallas?  
 09:18:04 24 A. No. Molly's in Chicago.

09:18:06 1 Q. Okay. Why didn't she go to Dallas?  
 09:18:06 2 A. The Dallas national sales office had been  
 09:18:11 3 moved because of the tower teardown at DFW, our  
 09:18:17 4 hotel there. They went to home offices. When Terri  
 09:18:20 5 gave her notice, we moved the -- the office back to  
 09:18:25 6 Chicago and we made the appropriate changes in the  
 09:18:27 7 travel budget to allow Molly to go down and cover  
 09:18:31 8 accounts there.  
 09:18:32 9 Q. So you're saying you didn't have  
 09:18:34 10 salespeople in Dallas then?  
 09:18:36 11 A. We had -- national sales people, we only  
 09:18:38 12 have one in Dallas now: Melissa Daniels.  
 09:18:42 13 Q. Melissa Daniels?  
 09:18:43 14 A. Yes.  
 09:18:44 15 Q. And where does she work from?  
 09:18:45 16 A. She works out of her home.  
 09:18:53 17 Q. Okay. What is -- was the age of Donna  
 09:18:57 18 Bongiovanni when she was hired in 2001?  
 09:19:00 19 A. I -- I don't know.  
 09:19:03 20 Q. What was Molly Crompton's age when she  
 09:19:07 21 transferred in in 2001?  
 09:19:09 22 A. I don't know.  
 09:19:10 23 Q. Are you aware that they're in their 30s?  
 09:19:13 24 A. I -- I have an approximation of both ages



09:23:43 1 A. No.  
 09:23:44 2 Q. Did you file your income tax returns for  
 09:23:47 3 2001 yet?  
 09:23:48 4 A. No.  
 09:23:48 5 Q. Okay. Are you able to name each of the  
 09:23:54 6 employees who received any of Mrs. Hildebrandt's  
 09:23:59 7 accounts after she was fired?  
 09:24:00 8 A. Yes.  
 09:24:02 9 Q. Okay. Can you tell me who they are?  
 09:24:04 10 A. Barbara Hale --  
 09:24:07 11 Q. All right.  
 09:24:07 12 A. -- Molly Crompton --  
 09:24:11 13 Q. Okay.  
 09:24:11 14 A. -- Fred Reichelt, Melissa Daniels --  
 09:24:18 15 Q. Okay.  
 09:24:18 16 A. -- Inge Spindola and, I believe, Jennifer  
 09:24:27 17 Roman.  
 09:24:29 18 Q. All right. Can you -- can you recall  
 09:24:31 19 which accounts Ms. Crompton obtained?  
 09:24:34 20 A. I -- I have a list but I don't have it in  
 09:24:37 21 front of me, so I -- I wouldn't know from memory.  
 09:24:40 22 Q. Okay. Do you have it here in the city?  
 09:24:41 23 A. If I don't have it, I believe I can get  
 09:24:44 24 it.

09:24:46 1 Q. Okay. Do you think you might be able to  
 09:24:47 2 get it --  
 09:24:48 3 MS. GALLION: We produced --  
 09:24:48 4 Q. -- by this afternoon?  
 09:24:49 5 MS. GALLION: We produced it to you.  
 09:24:50 6 MR. STEINBERG: Oh.  
 09:24:51 7 MS. GALLION: And I don't know why you  
 09:24:51 8 don't have it, but it's Bates stamp numbered  
 09:24:54 9 and it was produced to you. Maybe you just  
 09:24:55 10 didn't recognize it.  
 09:24:58 11 MR. STEINBERG: Well, not all of these  
 09:25:00 12 individuals were identified as people --  
 09:25:01 13 MS. GALLION: Well, we --  
 09:25:01 14 MR. STEINBERG: -- who received her  
 09:25:02 15 accounts.  
 09:25:03 16 MS. GALLION: We gave you the list that we  
 09:25:05 17 had, the only list that we had.  
 09:25:09 18 MR. STEINBERG: All right.  
 09:25:09 19 Q. Is that the list you're referring to?  
 09:25:11 20 A. Yes, it is.  
 09:25:47 21 MS. GALLION: Okay?  
 09:25:47 22 MR. STEINBERG: Well, I'll look for that  
 09:25:51 23 list.  
 09:25:53 24 BY MR. STEINBERG:

09:25:53 1 Q. Now, can you tell me what Molly Crompton's  
 09:26:01 2 sales production was in 2001?  
 09:26:02 3 A. I believe it was 165 percent.  
 09:26:05 4 Q. I'm not asking the percent of --  
 09:26:09 5 A. Oh, percent?  
 09:26:10 6 Q. -- her quota; I'm asking the dollar value  
 09:26:12 7 of the sales she produced.  
 09:26:13 8 A. Off the top of my head, I don't know.  
 09:26:17 9 Q. Okay. Do you have those records  
 09:26:18 10 available?  
 09:26:19 11 A. Yes.  
 09:26:21 12 Q. Is that something you could obtain?  
 09:26:23 13 A. Yes.  
 09:26:25 14 Q. Okay. Now, is your answer going to be the  
 09:26:27 15 same for the rest of these individuals?  
 09:26:28 16 A. I would like to have reference to the  
 09:26:30 17 sheet to be -- to be accurate with my answer, yes.  
 09:26:33 18 Q. Okay.  
 09:26:33 19 MS. GALLION: And let me put on the record  
 09:26:36 20 that -- and this -- this is not a document that  
 09:26:38 21 exists, but we are in the process and we'll  
 09:26:41 22 probably have within an hour or two a document  
 09:26:44 23 that we're especially preparing for you which  
 09:26:47 24 has all the affected persons and anybody else

09:26:50 1 that was a comparator to them, their 2000, 2001  
 09:26:57 2 production and achievement as well as a  
 09:26:58 3 breakdown of what's group and what's IT,  
 09:27:01 4 because we -- it just doesn't exist in that  
 09:27:03 5 form. But we could see from yesterday that it  
 09:27:05 6 would be helpful to have it, so we're actually  
 09:27:07 7 preparing it, pulling it, and it should be here  
 09:27:12 8 within, I hope, about an hour.  
 09:27:13 9 MR. STEINBERG: Well, I appreciate that,  
 09:27:15 10 but I'm -- I am mostly interested in  
 09:27:17 11 contemporaneous records rather than records --  
 09:27:19 12 MS. GALLION: Well --  
 09:27:19 13 MR. STEINBERG: -- that were created --  
 09:27:19 14 MS. GALLION: -- there aren't any.  
 09:27:19 15 MR. STEINBERG: -- for litigation.  
 09:27:20 16 MS. GALLION: There aren't any. There --  
 09:27:22 17 there aren't any, so...  
 09:27:24 18 MR. STEINBERG: Well, that's what I want  
 09:27:26 19 to ask.  
 09:27:26 20 BY MR. STEINBERG:  
 09:27:26 21 Q. Mr. Booth, you -- are you saying that you  
 09:27:28 22 don't keep any record of what your salespeople  
 09:27:30 23 produce?  
 09:27:30 24 A. No, we keep a record, yes.

09:31:23 1 computation that's used to determine bonuses?  
 09:31:26 2 A. It -- it -- it pulls data from there to  
 09:31:29 3 come out in the -- in the Pride summary data report  
 09:31:32 4 that comes at the end of each month, which is part  
 09:31:35 5 of the month end production reports.  
 09:31:38 6 Q. Is the computation that is used to  
 09:31:40 7 determine bonuses kept in writing somewhere?  
 09:31:42 8 A. Yes, it is.  
 09:31:43 9 Q. Okay. Does it have a title or name to it?  
 09:31:45 10 A. It's the -- the Pride program.  
 09:31:49 11 Q. Is there a document, and by document I  
 09:31:53 12 mean it could be more than one paper, but a document  
 09:31:56 13 that describes the Pride program?  
 09:31:58 14 A. Yes.  
 09:31:58 15 Q. Okay. Now, in order to have access to the  
 09:32:12 16 Hymark database do you have to input any code or  
 09:32:17 17 security?  
 09:32:18 18 A. You -- you have to enter your -- your  
 09:32:20 19 password and a login.  
 09:32:25 20 Q. Okay. Does anyone at a lower level than  
 09:32:27 21 yourself have access to the Hymark program?  
 09:32:31 22 A. Yes.  
 09:32:32 23 Q. Who would that be?  
 09:32:34 24 A. Anyone who's employed with Hyatt would

09:32:38 1 have access to Hymark.  
 09:32:43 2 Q. Okay. Does that include clerical  
 09:32:45 3 individuals?  
 09:32:45 4 A. Yes, it would.  
 09:33:21 5 Q. Okay. Are you aware of any people in your  
 09:33:29 6 group -- is it called a group?  
 09:33:31 7 A. Our -- our national sales office.  
 09:33:35 8 Q. The people you're in charge of are  
 09:33:38 9 referred to as an office?  
 09:33:39 10 A. As an office, correct.  
 09:33:41 11 Q. Okay. Are you aware of anyone in your  
 09:33:43 12 national sales office in the year 2001 that produced  
 09:33:45 13 more revenue than Mrs. Hildebrandt?  
 09:33:51 14 A. Yes.  
 09:33:52 15 Q. Who would that be?  
 09:33:55 16 A. Mark Henry.  
 09:34:02 17 Q. Anyone else?  
 09:34:03 18 A. Denise Cmiel.  
 09:34:07 19 Q. Okay.  
 09:34:08 20 A. And Molly Crompton.  
 09:34:14 21 Q. How much revenue did Molly Crompton  
 09:34:18 22 produce?  
 09:34:18 23 A. I'd like -- off the top of my head I don't  
 09:34:21 24 know, but I -- I could find that out.

09:34:22 1 Q. But you think that she produced more than  
 09:34:24 2 Mrs. Hildebrandt?  
 09:34:25 3 A. Yes.  
 09:34:26 4 Q. And do you know how much Mr. Henry  
 09:34:28 5 produced?  
 09:34:28 6 A. I would have the same answer to that.  
 09:34:31 7 I -- I can find that information.  
 09:34:32 8 Q. Okay.  
 09:34:34 9 A. And -- and there may -- there may be  
 09:34:37 10 others on there, but again, I want to look at the  
 09:34:39 11 year-end numbers. I don't -- I don't have them all  
 09:34:41 12 in my head.  
 09:34:42 13 Q. Okay. I'm not asking percentage of quota  
 09:34:44 14 here.  
 09:34:45 15 A. Correct. Correct. No, I would have  
 09:34:46 16 specific dollar figures.  
 09:34:48 17 Q. Okay. Did -- do you know what Molly  
 09:34:52 18 Crompton's quota was for the first six months of  
 09:34:55 19 2001?  
 09:34:56 20 A. For the first six months of 2001, off the  
 09:34:59 21 top of my head, I do not know.  
 09:35:01 22 Q. How about Barbara Hale, do you know hers?  
 09:35:04 23 A. No.  
 09:35:05 24 Q. Fred Reichelt?

09:35:07 1 A. No.  
 09:35:08 2 Q. Do you know any of them?  
 09:35:09 3 A. Not off the top of my head, no.  
 09:35:13 4 Q. Okay. Is the quota figure contained in  
 09:35:23 5 the Hymark system?  
 09:35:23 6 A. Yes, it would be.  
 09:35:23 7 Q. All right. When did you first have any  
 09:35:24 8 discussions or consideration of assigning Mrs.  
 09:35:29 9 Hildebrandt's accounts to other people?  
 09:35:35 10 A. The first time I considered that was when  
 09:35:38 11 Jack proposed to me a potential reduction in force.  
 09:35:44 12 Q. So it would be around September 22nd?  
 09:35:46 13 A. That's correct.  
 09:35:50 14 Q. Okay. You don't recall discussing that  
 09:35:52 15 with Mrs. Hildebrandt during her midyear evaluation?  
 09:35:55 16 A. My discussion with Mrs. Hildebrandt was  
 09:35:56 17 geared more towards a career talk than a -- than a  
 09:36:02 18 reallocation of accounts.  
 09:36:04 19 Q. Do you recall discussing with her whether  
 09:36:05 20 it was possible to have her accounts handled by  
 09:36:09 21 people in Chicago?  
 09:36:09 22 A. I did -- I did ask that question, yes.  
 09:36:13 23 Q. Okay. And that would have been in July of  
 09:36:15 24 2001?

09:36:16 1 A. It would have been July, yes.  
 09:36:21 2 Q. Do you know who participated in the  
 09:36:23 3 decision to assign her accounts to each of the  
 09:36:27 4 individuals that you've named?  
 09:36:29 5 A. That would have been myself.  
 09:36:31 6 Q. Anyone else?  
 09:36:32 7 A. No.  
 09:36:36 8 Q. Okay. Well, one of the people is -- that  
 09:36:38 9 you named, I think, was Jennifer Roman?  
 09:36:43 10 A. Jennifer is a director of national  
 09:36:44 11 accounts. She didn't participate in -- she was a --  
 09:36:49 12 she was a recipient.  
 09:36:50 13 Q. Right.  
 09:36:51 14 A. Right.  
 09:36:53 15 Q. But -- okay. So aren't you aware that  
 09:36:57 16 Jennifer Roman is someone that was hired in 2001,  
 09:37:01 17 since you've assigned accounts to her?  
 09:37:02 18 A. She was hired by Gus Vonderheide. She was  
 09:37:05 19 not hired in my office.  
 09:37:06 20 Q. So you don't know when she was hired?  
 09:37:07 21 A. I don't know the specific date when she  
 09:37:09 22 was hired, no.  
 09:37:11 23 Q. All right. So that -- I want to make sure  
 09:37:14 24 I understand this -- you and you alone and no one

09:38:14 1 A. Molly Crompton had the ability to take on  
 09:38:19 2 some new accounts.  
 09:38:21 3 Q. What does that mean, she had the ability  
 09:38:23 4 to take on new accounts?  
 09:38:25 5 A. In -- in -- in talking with her, she felt  
 09:38:27 6 that she had the -- the appropriate amount of time  
 09:38:29 7 to devote to additional accounts if -- if they were  
 09:38:32 8 to be assigned to her.  
 09:38:34 9 Q. She needed some new accounts, didn't she?  
 09:38:36 10 A. By need, what do you mean by need?  
 09:38:39 11 Q. She needed new accounts to make more  
 09:38:40 12 money, didn't she?  
 09:38:42 13 A. No.  
 09:38:42 14 Q. Hadn't Molly Crompton been asking you  
 09:38:45 15 during the course of the year to get her more  
 09:38:47 16 accounts?  
 09:38:47 17 A. Yes.  
 09:38:48 18 Q. And you finally did it?  
 09:38:51 19 A. She was assigned accounts based on her  
 09:38:54 20 ability to take on additional business.  
 09:38:58 21 Q. Okay. Why did you assign new accounts to  
 09:39:00 22 Barbara Hale?  
 09:39:01 23 A. Barbara Hale had some geographic  
 09:39:04 24 advantages to the northern Ohio customers.

09:37:16 1 else decided who would get Mrs. Hildebrandt's  
 09:37:19 2 accounts?  
 09:37:19 3 A. After Jack presented the plan, that's  
 09:37:21 4 correct.  
 09:37:23 5 Q. Well, did the plan include any information  
 09:37:25 6 as to who would receive her accounts?  
 09:37:26 7 A. It did not.  
 09:37:29 8 Q. Okay. Now, tell me why you selected Molly  
 09:37:33 9 Crompton to receive her accounts.  
 09:37:36 10 A. What I looked at through the evaluation  
 09:37:40 11 process was, first off, trying to match up like  
 09:37:43 12 industries to existing markets. We then took into  
 09:37:47 13 consideration geographic --  
 09:37:49 14 And this -- and this goes for everyone  
 09:37:50 15 that I'm -- that we made assignments to.  
 09:37:52 16 -- and then we looked at existing account  
 09:37:55 17 levels to see where people could take on just more  
 09:37:59 18 accounts if need be. So we used a -- a three-stage  
 09:38:01 19 criteria, or I used a three-stage criteria to try to  
 09:38:05 20 make that work.  
 09:38:07 21 Q. Is there a "we" or just you?  
 09:38:09 22 A. It's me.  
 09:38:10 23 Q. Okay. Tell me why you assigned some of  
 09:38:12 24 her accounts to Molly Crompton.

09:39:07 1 Q. And what would that be?  
 09:39:08 2 A. Well, being located in Dearborn she could  
 09:39:12 3 get down to the Columbus area easier than flying  
 09:39:16 4 from Chicago.  
 09:39:17 5 Q. And how is that?  
 09:39:19 6 A. Just from a geographic standpoint.  
 09:39:22 7 Q. Explain to me how it's easier to get to  
 09:39:26 8 Columbus from Dearborn than from Chicago.  
 09:39:28 9 A. Well, just we looked at -- we looked at  
 09:39:29 10 air-- airfare pricing on averages and -- and wanted  
 09:39:34 11 to make sure that we could get people in front of  
 09:39:37 12 the customers as -- as -- as often as necessary.  
 09:39:39 13 Q. Can you fly to Columbus, Ohio, faster from  
 09:39:42 14 Dearborn than from Chicago?  
 09:39:43 15 A. Off the top of my head, timewise I don't  
 09:39:46 16 know, but there's many times that -- that Ms. Hale  
 09:39:49 17 drove down to Columbus.  
 09:39:51 18 Q. Can you drive there faster than you can  
 09:39:54 19 fly in from Chicago?  
 09:39:55 20 A. I've never done that. I don't know.  
 09:39:58 21 Q. Does Dearborn have an airport?  
 09:39:59 22 A. Detroit.  
 09:40:01 23 Q. You have to go to Detroit?  
 09:40:02 24 A. Yes.



10:01:19 1 Hymark reports that Miss Hildebrandt's name had,  
 10:01:23 2 with the -- the assigned accounts.  
 10:01:25 3 Q. So she accessed the Hymark database to get  
 10:01:28 4 this information?  
 10:01:28 5 A. Correct.  
 10:01:30 6 Q. Okay. Do you know whose writing is on  
 10:01:32 7 here, the handwriting?  
 10:01:33 8 A. That would be mine.  
 10:01:43 9 Q. All right. Do you believe that this  
 10:01:50 10 Exhibit 39 accurately reflects which of Mrs.  
 10:01:53 11 Hildebrandt's accounts were assigned to each of the  
 10:01:56 12 salespeople named here?  
 10:01:57 13 A. I believe so, yes.  
 10:01:59 14 Q. Okay. Then I won't bother to go through  
 10:02:01 15 each one.  
 10:02:03 16 A. Okay.  
 10:02:03 17 Q. All right. Mr. Booth, when did you begin  
 10:02:18 18 your present job?  
 10:02:18 19 A. I began on December 4, 2000.  
 10:02:23 20 Q. And can you state what your duties are?  
 10:02:25 21 A. My responsibilities are to manage the  
 10:02:29 22 central national sales office for Hyatt Corporation.  
 10:02:33 23 Q. Okay. Can you be a little bit more  
 10:02:34 24 specific about what that involves?

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10:02:36 1 A. Certainly. An attainment of assigned  
 10:02:40 2 revenue goals, represent the Hyatt brand at industry  
 10:02:46 3 events, manage the P&L for that office.  
 10:02:54 4 Q. And P&L means what?  
 10:02:56 5 A. Profit and loss statement.  
 10:02:58 6 Q. Okay.  
 10:02:58 7 A. Those would be my primary duties.  
 10:03:01 8 Q. And who is your direct supervisor?  
 10:03:07 9 A. Jack Horne.  
 10:03:08 10 Q. And has that been so during your entire  
 10:03:10 11 employment in this position?  
 10:03:11 12 A. That's correct.  
 10:03:11 13 Q. Okay. Do you have goals yourself that you  
 10:03:13 14 have to meet?  
 10:03:15 15 A. I have an -- I -- my goal is the office  
 10:03:17 16 goal, the office quota if you will.  
 10:03:19 17 Q. Okay. And who sets the office quota?  
 10:03:22 18 A. Jack Horne.  
 10:03:23 19 Q. Does he consult you when he sets that  
 10:03:26 20 quota?  
 10:03:26 21 A. We have discussions.  
 10:03:31 22 Q. Okay. What is your salary?  
 10:03:33 23 A. My salary is \$129,000 a year.  
 10:03:37 24 Q. Do you have the potential to receive a

10:03:40 1 bonus?  
 10:03:40 2 A. I have that potential, yes.  
 10:03:41 3 Q. And what is -- how is your bonus  
 10:03:43 4 determined?  
 10:03:54 5 A. My bonus is a -- a 30 percent potential of  
 10:03:54 6 salary, 20 percent being financially related and  
 10:03:54 7 10 percent discretionary to Jack Horne.  
 10:03:57 8 Q. All right. The 10 percent, that means if  
 10:04:00 9 Jack Horne decides he wants to give you a bonus he  
 10:04:03 10 does, and --  
 10:04:04 11 A. He has discretionary ability for 10  
 10:04:08 12 points, yes, 10 percentage points.  
 10:04:09 13 Q. What is the financial part? Can you  
 10:04:11 14 explain that to me?  
 10:04:12 15 A. It's broken up into two areas. One is the  
 10:04:17 16 achievement of the office quota, and the -- and  
 10:04:18 17 that's a maximum of -- of 10 points and that's on a  
 10:04:22 18 sliding scale. The -- the higher the achievement,  
 10:04:24 19 the more potential. And then the second portion is  
 10:04:26 20 what we call future group revenue targets, where the  
 10:04:30 21 revenue figure is set for the company as a whole.  
 10:04:33 22 The -- those are achieved, then there's one point  
 10:04:35 23 for every year from -- it goes into a five -- or  
 10:04:39 24 goes out for five years.

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10:04:42 1 Q. Is there a revenue target for each client?  
 10:04:45 2 A. There's a revenue target for each year.  
 10:04:49 3 Q. For all clients?  
 10:04:50 4 A. For -- for -- as a whole. Anything from  
 10:04:54 5 national sales, field sales, that all -- that number  
 10:04:57 6 all feeds into the revenue target for the -- for the  
 10:04:59 7 company.  
 10:05:01 8 Q. What's -- what is the difference between a  
 10:05:02 9 revenue target and a quota?  
 10:05:04 10 A. A quota is a -- well, let me go back. A  
 10:05:08 11 revenue target is -- is a figure that we -- a  
 10:05:11 12 percentage that we want to have on the books by a  
 10:05:13 13 certain date and time. Whether -- and -- and we --  
 10:05:15 14 we match it up to the end of the year close of  
 10:05:18 15 books. A quota would be a -- a number that's  
 10:05:21 16 assigned to an office in order to help achieve to  
 10:05:25 17 get to that revenue target.  
 10:05:29 18 Q. Are the figures the same?  
 10:05:31 19 A. No, they're not the same.  
 10:05:32 20 Q. Can you -- can you give me an example with  
 10:05:33 21 hypothetical figures how this would work?  
 10:05:37 22 A. Well, for 2001 the revenue -- or the quota  
 10:05:42 23 for our office was \$156 million for the whole year,  
 10:05:46 24 the central national sales. The revenue target for

10:05:49 1 the year, 2001, would be in excess of probably  
 10:05:54 2 \$800 million. The quota feeds into the achievement  
 10:06:02 3 of the future group revenue target.  
 10:06:13 4 Q. Does revenue target mean what you are  
 10:06:15 5 hoping to --  
 10:06:16 6 A. We are hoping to have on the books by a  
 10:06:17 7 specified date, and -- and those are set by Fred  
 10:06:21 8 Shea.  
 10:06:22 9 Q. What is the specified date?  
 10:06:25 10 A. End of the year.  
 10:06:27 11 Q. Okay. And so you're saying the revenue  
 10:06:29 12 target is much higher than the quota?  
 10:06:31 13 A. Yes, because it's -- it's a company total  
 10:06:33 14 versus my office component of that.  
 10:06:37 15 Q. Okay. Does your office have a share of  
 10:06:38 16 this revenue target assigned to you or --  
 10:06:41 17 A. No, we do not. We just have our quota.  
 10:06:44 18 Q. Okay. Now, what I'm having trouble  
 10:06:47 19 getting a handle on is --  
 10:06:50 20 A. Okay.  
 10:06:50 21 Q. -- how this revenue target that's  
 10:06:53 22 companywide is used to determine your bonus.  
 10:06:55 23 A. Well, if -- if the -- if -- if we exceed  
 10:06:57 24 that as a company, then that's when the bonus

10:07:01 1 becomes -- you become eligible --  
 10:07:03 2 Q. Okay.  
 10:07:03 3 A. -- for a bonus.  
 10:07:04 4 Q. I understand it now.  
 10:07:06 5 A. Okay.  
 10:07:07 6 Q. Now, with regard to the quota that you  
 10:07:11 7 have, you then set quotas for your salespeople?  
 10:07:17 8 A. That's correct.  
 10:07:20 9 Q. And does the total of the quotas you set  
 10:07:24 10 for them exceed the quota that's set for you?  
 10:07:28 11 A. No, it has to -- it has to equal for the  
 10:07:31 12 office.  
 10:07:32 13 Q. It has to equal?  
 10:07:33 14 A. Yes.  
 10:07:36 15 Q. Okay. These directors of national sales  
 10:07:43 16 hold management positions in the company?  
 10:07:44 17 A. They are managers, yes.  
 10:07:45 18 Q. Okay. How did you come to be placed in  
 10:07:50 19 the position that you're in now?  
 10:07:52 20 MS. GALLION: Objection. Calls for  
 10:07:54 21 speculation.  
 10:07:54 22 If you know, you may answer.  
 10:07:56 23 A. I don't know.  
 10:07:58 24 Q. You don't have any idea how you got your

10:08:01 1 job?  
 10:08:01 2 A. I know I was -- how I was hired, but I  
 10:08:03 3 don't know how Jack Horne came to show interest in  
 10:08:08 4 me, no.  
 10:08:15 5 Q. Do you know if your position was ever  
 10:08:17 6 advertised or posted?  
 10:08:21 7 A. I don't know that.  
 10:08:29 8 Q. Do you know if the company has any formal  
 10:08:33 9 procedure for advertising or posting positions such  
 10:08:37 10 as the one you hold?  
 10:08:37 11 A. Yes, we do.  
 10:08:39 12 Q. Is there a name for that?  
 10:08:40 13 A. It generally goes through Mike Cheatham's  
 10:08:45 14 office.  
 10:08:46 15 Q. Okay. Is there a name for this process  
 10:08:50 16 that the company uses?  
 10:08:52 17 A. It's -- it's done through -- it was  
 10:08:53 18 done -- it's done now through Hyatt.com under the  
 10:08:59 19 Career's cap.  
 10:09:00 20 Q. But back at the time you obtained the job  
 10:09:02 21 was there such a process that you were aware of?  
 10:09:06 22 A. There was a -- there was a -- a posting  
 10:09:07 23 report -- or a job report opening that Mike  
 10:09:10 24 Cheatham's office put together.

10:09:13 1 Q. Okay. What -- what is a posting report?  
 10:09:17 2 A. It would be -- we -- Mike would be  
 10:09:19 3 notified that a particular position was open  
 10:09:21 4 somewhere in the company, in the sales division  
 10:09:24 5 only.  
 10:09:25 6 Q. Uh-huh.  
 10:09:25 7 A. And then that word would be sent out via  
 10:09:29 8 e-mail to the directors of sales and, I believe, the  
 10:09:34 9 general managers.  
 10:09:36 10 Q. Okay. And you don't know if that was done  
 10:09:38 11 in connection with your job?  
 10:09:39 12 A. I don't know that.  
 10:09:40 13 Q. Do you know if any other candidates were  
 10:09:45 14 considered?  
 10:09:54 15 A. I don't know that.  
 10:09:54 16 Q. Did you fill out any application for your  
 10:09:54 17 job?  
 10:09:54 18 A. I did not.  
 10:09:54 19 Q. How did you learn you were going to be  
 10:09:56 20 promoted?  
 10:09:58 21 A. I had -- had a -- a conversation with my  
 10:10:04 22 general manager at the time, Steve Trent.  
 10:10:08 23 Q. Okay. About when was this conversation?  
 10:10:11 24 A. It was, I'd say, around October.

10:10:17 1 Q. Of 2000?  
 10:10:18 2 A. 2000.  
 10:10:20 3 Q. Was this a personal conversation?  
 10:10:22 4 A. It was a personal conversation.  
 10:10:23 5 Q. Okay. Can you tell me, the best you can  
 10:10:26 6 remember, what he said to you and what you said to  
 10:10:29 7 him.  
 10:10:31 8 A. He had asked that Jack Horne expressed  
 10:10:33 9 interest in -- in you as a candidate, would you be  
 10:10:36 10 interested in going up to interview for this  
 10:10:39 11 position. And I said yes.  
 10:10:42 12 Q. Okay. Did he tell you why Mr. Horne was  
 10:10:45 13 interested in you as a candidate?  
 10:10:48 14 A. He -- he thought with my large hotel  
 10:10:49 15 background and years of experience that -- that --  
 10:10:58 16 and -- and bringing a field perspective to the  
 10:11:00 17 national sales office were -- were issues that --  
 10:11:01 18 that I brought to the table and he was interested in  
 10:11:04 19 talking with me.  
 10:11:05 20 Q. What else did he tell you?  
 10:11:08 21 A. That was really the -- the content of --  
 10:11:12 22 of the discussion.  
 10:11:12 23 Q. Did he tell you whether Mr. Horne had  
 10:11:15 24 requested information about you?

10:11:17 1 A. No, he had not.  
 10:11:19 2 Q. Did he tell you whether Mr. Horne had  
 10:11:21 3 looked at any of your records?  
 10:11:24 4 A. He had not.  
 10:11:25 5 Q. What was the next thing that happened in  
 10:11:31 6 connection with the promotion?  
 10:11:34 7 A. Jack called and asked to set up an  
 10:11:36 8 interview with himself and Fred Shea and Ty Helms.  
 10:11:46 9 Q. Okay. Do you remember when that call was?  
 10:11:49 10 A. It was a couple days after my discussion  
 10:11:52 11 with -- with Steve Trent.  
 10:11:53 12 Q. Still in October?  
 10:11:54 13 A. Still -- still in October.  
 10:11:57 14 Q. Okay. Do you recall where the interview  
 10:11:59 15 took place?  
 10:11:59 16 A. Yes.  
 10:12:00 17 Q. Where?  
 10:12:01 18 A. Hyatt Regency O'Hare.  
 10:12:04 19 Q. And do you recall when it was?  
 10:12:06 20 A. It was a -- during the lunch hour and in  
 10:12:09 21 early afternoon.  
 10:12:11 22 Q. What day or month was it?  
 10:12:13 23 A. It was a couple days after Jack called, so  
 10:12:16 24 it -- it happened fairly quickly.

10:12:18 1 Q. Do you think it still was October?  
 10:12:20 2 A. I believe it to be -- that would be my  
 10:12:22 3 best guess.  
 10:12:26 4 Q. Okay. Were these three individuals  
 10:12:28 5 present?  
 10:12:29 6 A. I interviewed separately with Jack and  
 10:12:32 7 then jointly with Ty and Fred Shea.  
 10:12:37 8 Q. Okay.  
 10:12:37 9 A. Ty Helms --  
 10:12:38 10 Q. Which --  
 10:12:38 11 A. Ty Helms and Fred Shea.  
 10:12:39 12 Q. Which was first?  
 10:12:40 13 A. Jack.  
 10:12:41 14 Q. Okay. How long did that interview take?  
 10:12:43 15 A. An hour and a half.  
 10:12:50 16 Q. Can you tell me the substance of what was  
 10:12:51 17 discussed in that interview?  
 10:12:53 18 A. Jack, you know, asked me my interests. I  
 10:12:57 19 asked what his vision for national sales was, what  
 10:13:01 20 he was looking for to accomplish by this next hire.  
 10:13:05 21 Q. What did he tell you?  
 10:13:06 22 A. He said that he'd like to bring a field  
 10:13:09 23 perspective to national sales. He felt that there  
 10:13:15 24 was a -- that was lacking when we were dealing with

10:13:18 1 the properties.  
 10:13:27 2 Q. Did you discuss the downturn in the  
 10:13:29 3 economy?  
 10:13:30 4 A. We did not have that discussion, no.  
 10:13:32 5 Q. Okay. Did you discuss your past  
 10:13:36 6 experience at Dallas/Fort Worth? Is that where you  
 10:13:41 7 were?  
 10:13:41 8 A. Dallas/Fort Worth. That did not come up  
 10:13:44 9 during the discussion.  
 10:13:46 10 Q. Okay. Is there any other subjects that  
 10:13:47 11 you discussed?  
 10:13:48 12 A. Not that I can recall.  
 10:13:49 13 Q. All right. And how long was your meeting  
 10:13:51 14 with Mr. Shea and Mr. Helms?  
 10:13:53 15 A. It was about an hour.  
 10:13:56 16 Q. Can you tell me the subjects that were  
 10:13:58 17 discussed with them?  
 10:13:59 18 A. Again, they expressed to me what their  
 10:14:03 19 desire was with national sales, and again, making  
 10:14:07 20 sure that -- that we understood that the field  
 10:14:10 21 hotels were your customers and -- and -- and not to  
 10:14:14 22 lose that, because the field pays for the salaries  
 10:14:17 23 of national sales and all the corporate office.  
 10:14:22 24 And -- and -- and just trying to reach out to all

10:14:23 1 levels of hotels, not just the big hotels who would  
 10:14:28 2 get the larger pieces of business.  
 10:14:30 3 Q. Did they discuss with you the downturn in  
 10:14:32 4 the economy?  
 10:14:34 5 A. They did not.  
 10:14:34 6 Q. Did either of the three indicate to you  
 10:14:37 7 why they had selected you?  
 10:14:39 8 A. They felt with -- with my experience  
 10:14:42 9 within the company and ability to work at a -- at a  
 10:14:45 10 very large hotel, at the time the second largest  
 10:14:48 11 hotel in the company, that I was used to handling a  
 10:14:51 12 large staff.  
 10:14:53 13 Q. So they had some familiarity with your  
 10:14:55 14 experience in the company?  
 10:14:56 15 A. Yes.  
 10:14:57 16 Q. And they knew about your interactions with  
 10:15:00 17 your staff?  
 10:15:00 18 A. Correct.  
 10:15:01 19 Q. Okay. Were you qualified for this  
 10:15:15 20 promotion?  
 10:15:16 21 A. Yes.  
 10:15:18 22 Q. What qualifications did you have for this  
 10:15:21 23 position?  
 10:15:21 24 A. Holding director's titles with two major

10:15:26 1 hotel chains, Marriott and Hyatt, working in a  
 10:15:29 2 number of convention and -- and large hotel  
 10:15:32 3 facilities and dealing with national sales in -- in  
 10:15:35 4 many of those capacities and -- and managing a  
 10:15:39 5 fairly large P&L statement.  
 10:15:47 6 Q. Managing what?  
 10:15:48 7 A. A P&L statement, a profit and loss  
 10:15:50 8 statement.  
 10:15:53 9 Q. Oh. Thank you. You had never been in  
 10:15:55 10 national sales before, had you?  
 10:15:56 11 A. No, I had not.  
 10:15:57 12 Q. Did you have good interpersonal skills?  
 10:16:05 13 A. I believe so.  
 10:16:07 14 Q. Could you explain what those skills were.  
 10:16:10 15 A. Well, my skills in that area are -- are  
 10:16:13 16 getting to know my staff, getting involved in their  
 10:16:18 17 day-to-day activities, deploying resources where  
 10:16:22 18 it's necessary and making sure that we have the  
 10:16:27 19 ability to have open and -- and two-way discussions  
 10:16:31 20 on a variety of topics.  
 10:16:35 21 Q. Did you have a positive future attitude  
 10:16:39 22 about your job?  
 10:16:40 23 A. Yes.  
 10:16:45 24 Q. Do you think that you had the ability to

10:16:47 1 lead a sales team?  
 10:16:48 2 A. Yes.  
 10:16:50 3 Q. Had you been able to retain your sales  
 10:16:53 4 staff?  
 10:16:56 5 A. Yes.  
 10:17:00 6 Q. Okay. Can you elaborate on that?  
 10:17:11 7 A. Is there a specific time frame in which  
 10:17:11 8 you're --  
 10:17:11 9 Q. Well, in the year or two prior --  
 10:17:11 10 A. Em-hmm?  
 10:17:11 11 Q. -- to when you were promoted did you --  
 10:17:11 12 did you have an ability to keep a loyal sales staff  
 10:17:14 13 working under you?  
 10:17:15 14 A. We at DFW had both good and -- and bad  
 10:17:19 15 turnover, but the core group of people that -- that  
 10:17:23 16 I brought in remained at the hotel.  
 10:17:23 17 (Plaintiff's Exhibit  
 30a was marked for  
 10:17:23 18 identification.)  
 10:17:55 19 Q. Okay. Mr. Booth -- oh. I brought this  
 10:18:01 20 out a little bit too early. I'm going --  
 10:18:03 21 A. Oh.  
 10:18:03 22 Q. -- to get to this later.  
 10:18:04 23 A. Okay.  
 10:18:04 24 Q. This is -- well, while we're -- while we

10:18:05 1 have it, let's go over it. Exhibit Number 30a, do  
 10:18:10 2 you recognize that?  
 10:18:10 3 A. Yes, I do.  
 10:18:12 4 Q. And what is that?  
 10:18:12 5 A. This is the review that Jack Horne gave to  
 10:18:16 6 me in the early part of 2001 to cover 2000.  
 10:18:22 7 Q. Okay. And what was your overall rating by  
 10:18:24 8 Mr. Horne?  
 10:18:25 9 A. Meets expectations.  
 10:18:28 10 Q. Okay. Thank you.  
 10:18:29 11 (Plaintiff's Exhibit  
 30b was marked for  
 10:18:29 12 identification.)  
 10:18:54 13 Q. I've handed you Exhibit Number 30b. Do  
 10:18:57 14 you recognize this document?  
 10:18:59 15 A. Yes, I do.  
 10:19:00 16 Q. And what is this?  
 10:19:01 17 A. This is a recap of a discussion Steve  
 10:19:05 18 Trent and I had while at DFW.  
 10:19:08 19 Q. And who is Steve Trent?  
 10:19:09 20 A. Steve Trent was a general manager.  
 10:19:12 21 Q. He was your boss?  
 10:19:13 22 A. That's correct.  
 10:19:14 23 Q. And this is dated February 13, 1999?  
 10:19:17 24 A. Yes.



13:20:05 1 Q. Okay. And do you have any idea why this  
 13:20:09 2 was printed out on the 28th?  
 13:20:11 3 A. I do not.  
 13:20:13 4 Q. Do you see the net production for Barbara  
 13:20:22 5 Loder here?  
 13:20:23 6 A. Yes.  
 13:20:23 7 Q. And that is minus 358,000 approximately?  
 13:20:35 8 A. That's correct.  
 13:20:36 9 Q. The net production for, is it Jan  
 13:20:44 10 Bansfield --  
 13:20:44 11 A. That's correct.  
 13:20:45 12 Q. -- was minus 1,231,000; is that right?  
 13:20:48 13 A. That's correct.  
 13:20:49 14 Q. The net production for Barbara Hale is  
 13:20:56 15 minus 2-- 1,242,000?  
 13:20:57 16 A. That's correct.  
 13:20:59 17 Q. And for Molly Crompton it's minus 584,  
 13:21:06 18 almost 585,000, right?  
 13:21:08 19 A. That's correct.  
 13:21:09 20 Q. Now, of those figures I read that were in  
 13:21:19 21 the minus, it was only Barbara Loder who lost her  
 13:21:22 22 job, right?  
 13:21:22 23 A. No. In -- in the downsizing Mary Patton's  
 13:21:29 24 position was also eliminated.

13:21:31 1 Q. Well, I didn't read hers.  
 13:21:33 2 A. Oh, I'm sorry.  
 13:21:34 3 Q. But Mary Patton was in a positive  
 13:21:37 4 figure --  
 13:21:38 5 A. Right.  
 13:21:38 6 Q. -- wasn't she?  
 13:21:38 7 A. Yes. Of -- of the names you read, you're  
 13:21:41 8 correct in your previous statement.  
 13:21:43 9 Q. Okay. So Mary Patton didn't even have a  
 13:21:47 10 minus on production, did she?  
 13:21:49 11 A. Not -- not through the 27th, no.  
 13:21:56 12 (Plaintiff's Exhibit 8  
 13:21:56 13 was referenced.)  
 13:22:10 14 Q. Show you Plaintiff's Exhibit Number 8. Do  
 13:22:12 15 you recall this document?  
 13:22:13 16 A. Yes, I do.  
 13:22:14 17 Q. What is this?  
 13:22:15 18 A. This would be the list of nominees for  
 13:22:20 19 sales manager of the year in the different size  
 13:22:24 20 categories, small, medium and large hotels.  
 13:22:26 21 Q. And this is for the year what?  
 13:22:28 22 A. For 2-- 2001.  
 13:22:29 23 Q. Okay. And these are the top performers?  
 13:22:36 24 A. These would be the top performers at the

13:22:42 1 hotel level, yes.  
 13:22:43 2 Q. Okay. On the second page there is a  
 13:22:45 3 heading called NSF Nominees?  
 13:22:48 4 A. That's correct.  
 13:22:48 5 Q. What does that refer to?  
 13:22:50 6 A. National sales force nominees for sales  
 13:22:53 7 manager of the year.  
 13:22:54 8 Q. And there were two people in your region  
 13:22:56 9 who were nominated for sales manager of the year?  
 13:22:58 10 A. Yes.  
 13:22:59 11 Q. Who were they?  
 13:23:00 12 A. They were Melissa Daniels and Barb  
 13:23:03 13 Loder -- Miss Hildebrandt.  
 13:23:07 14 Q. Okay. Did you play any role in nominating  
 13:23:10 15 her?  
 13:23:10 16 A. I played a role in nominating both of  
 13:23:12 17 those ladies, yes.  
 13:23:13 18 Q. Can you tell me what your role was?  
 13:23:15 19 A. The role was I was asked to submit the --  
 13:23:18 20 the most deserving names out of my office, and those  
 13:23:20 21 are the two ladies that I -- I presented.  
 13:23:22 22 Q. Was that based on their performance?  
 13:23:27 23 A. Absolutely.  
 13:23:27 24 Q. So Melissa Daniels and Barb Loder, you

13:23:31 1 felt, were your two best performers?  
 13:23:34 2 A. For that -- for that year, yes.  
 13:23:35 3 (Plaintiff's Exhibit 10  
 13:23:35 4 was referenced.)  
 13:23:50 5 Q. Okay. Showing you Plaintiff's Exhibit  
 13:23:59 6 Number 10. Do you recall this document?  
 13:24:03 7 A. Yes, I do.  
 13:24:04 8 Q. What is this?  
 13:24:04 9 A. This is an e-mail from Miss Hildebrandt,  
 13:24:11 10 asking for customers to be invited in -- in,  
 13:24:14 11 number 1, to Hytee, which is a -- an event that we  
 13:24:20 12 put on for our female customers along with the  
 13:24:24 13 female managers. It's a golf event.  
 13:24:26 14 Q. Okay. Can you spell Hytee?  
 13:24:28 15 A. Yes. H, capital H-Y-T-E-E.  
 13:24:33 16 Q. Where was this to take place?  
 13:24:35 17 A. At the Hyatt Regency Coconut Point, which  
 13:24:39 18 is just outside of Naples, Florida.  
 13:24:41 19 Q. Can you explain a little bit more about  
 13:24:43 20 what Hytee is.  
 13:24:44 21 A. Certainly. Hytee was developed, I  
 13:24:47 22 believe, three to four years ago to allow the female  
 13:24:53 23 managers to invite female customers. We do a number  
 13:24:57 24 of -- of golf events throughout the year and there



13:34:29 1 three contracts, but the client's representative  
 13:34:40 2 hadn't routed them to the legal department to get  
 13:34:42 3 them closed?  
 13:34:43 4 A. Right.  
 13:34:43 5 Q. Were you aware of that?  
 13:34:46 6 A. Yes.  
 13:34:47 7 Q. And at the end of the summary she says  
 13:34:50 8 that she feels she's back on track to achieve her  
 13:34:53 9 quota.  
 13:34:53 10 A. Yes.  
 13:34:54 11 Q. Did you believe that she was back on track  
 13:34:56 12 to achieve her quota?  
 13:34:58 13 A. Yes, I did.  
 13:34:59 14 Q. Did you share these projections with  
 13:35:08 15 anyone?  
 13:35:08 16 A. No. These were -- these were working  
 13:35:12 17 documents just from the -- the directors to myself.  
 13:35:14 18 (Plaintiff's Exhibit 16  
 13:35:14 19 was referenced.)  
 13:35:34 20 MR. STEINBERG: Okay. Here you go.  
 13:35:34 21 MS. GALLION: Thank you.  
 13:35:34 22 Q. I'm showing you Plaintiff's Exhibit  
 13:35:44 23 Number 16. Do you recognize this?  
 13:35:45 24 A. Yes, I do.

13:35:46 1 Q. What is this?  
 13:35:46 2 A. This is the annual review that I conducted  
 13:35:51 3 with Miss Hildebrandt in February of 2001 for her  
 13:35:55 4 performance in 2000.  
 13:35:56 5 Q. And did you sign this?  
 13:35:59 6 A. Yes, I did.  
 13:36:00 7 Q. On the second page?  
 13:36:01 8 A. Yes.  
 13:36:02 9 Q. Okay. There are four areas that you  
 13:36:11 10 reviewed here?  
 13:36:11 11 A. Yes.  
 13:36:12 12 Q. The first one is Task Management?  
 13:36:14 13 A. Correct.  
 13:36:16 14 Q. And there are five categories, right, of  
 13:36:21 15 task management?  
 13:36:21 16 A. There's four.  
 13:36:24 17 Q. Four.  
 13:36:26 18 A. And then --  
 13:36:26 19 Q. Okay. And then a total?  
 13:36:27 20 A. The total.  
 13:36:29 21 Q. Okay. The -- the total score you gave her  
 13:36:32 22 on task management was RM?  
 13:36:35 23 A. That's correct.  
 13:36:35 24 Q. What does RM mean?

13:36:38 1 A. RM is role model.  
 13:36:40 2 Q. Okay. What is role model?  
 13:36:42 3 A. Role model is reserved for the very  
 13:36:46 4 highest performers with-- within the company.  
 13:36:49 5 Q. Okay. Someone who's done -- exceptional  
 13:36:52 6 in their accomplishments?  
 13:36:53 7 A. Yes.  
 13:36:54 8 Q. Okay. And then the second area is  
 13:36:56 9 Business Practices. You gave her a total score of  
 13:37:01 10 EE?  
 13:37:01 11 A. That's correct.  
 13:37:01 12 Q. What is EE?  
 13:37:04 13 A. Exceeds expectations.  
 13:37:16 14 Q. Okay. And one of the scores, though, was  
 13:37:16 15 a role model score in that group, right?  
 13:37:16 16 A. Correct.  
 13:37:16 17 Q. And then in the category of Business  
 13:37:17 18 Values what did you give her?  
 13:37:19 19 A. Exceeds expectations.  
 13:37:20 20 Q. And in the category of Leadership, what  
 13:37:23 21 did you give her?  
 13:37:24 22 A. Exceeds expectations.  
 13:37:26 23 Q. And the total rating was what?  
 13:37:27 24 A. Exceeds expectations.

13:37:29 1 Q. Okay. Do you feel this is a true picture  
 13:37:32 2 of her work?  
 13:37:32 3 A. Absolutely.  
 13:37:33 4 Q. Then the last page, do you know who wrote  
 13:37:41 5 this page?  
 13:37:43 6 A. This would have been my -- my input.  
 13:37:46 7 Q. Okay. And you're saying here that she had  
 13:37:52 8 a solid year, achieving 136 percent of her group  
 13:37:57 9 quota, right?  
 13:37:58 10 A. Yes.  
 13:37:58 11 Q. And you mention her work at Coconut Point  
 13:38:01 12 Resort?  
 13:38:01 13 A. Yes.  
 13:38:02 14 Q. And you say she's very dedicated and  
 13:38:05 15 tireless in her efforts to gain business for Hyatt?  
 13:38:09 16 A. Yes.  
 13:38:09 17 Q. Is that a -- is that a true statement?  
 13:38:10 18 A. That's very true.  
 13:38:36 19 (Plaintiff's Exhibit  
 13:38:36 20 16a was referenced.)  
 13:38:36 21 Q. Okay. Next is Plaintiff's Exhibit 16a.  
 13:38:44 22 Do you recognize this?  
 13:38:45 23 A. Yes, I do.  
 13:38:46 24 Q. What is this document?

13:38:49 1 A. This was a self-assessment that  
 13:38:54 2 Ms. Hildebrandt provided to myself prior to her  
 13:38:59 3 final review for that year.  
 13:39:00 4 Q. Is this something your managers are  
 13:39:03 5 required to do before their final review?  
 13:39:06 6 A. We're -- we encourage it, but it's not --  
 13:39:10 7 it's not mandated.  
 13:39:11 8 Q. Okay. Up at the -- paragraph 1 she says  
 13:39:18 9 that she exceeded her quota for last year by  
 13:39:22 10 \$2 million. Do you think that's a true statement?  
 13:39:24 11 A. Based on -- on my dealings with  
 13:39:28 12 Miss Hildebrandt, yes.  
 13:39:29 13 Q. And in item number 4, she increased her  
 13:39:33 14 2000 net production by 12.7 percent over her 1999  
 13:39:39 15 net production. Do you believe that's true?  
 13:39:42 16 A. Yes, I do.  
 13:39:43 17 Q. Okay. In item number 8 she mentions that  
 13:39:55 18 she's entering her 22nd year with Hyatt. So you  
 13:39:58 19 were aware of that?  
 13:39:59 20 A. Yes.  
 13:40:00 21 Q. And she says: I've continued to  
 13:40:07 22 demonstrate dedication, drive, and determination in  
 13:40:10 23 achieving the goals the company set forth. Exceeded  
 13:40:14 24 quota for the past five years.

13:40:17 1 Do you believe that's correct?  
 13:40:18 2 A. Yes, I do.  
 13:40:19 3 Q. Okay. Now, on the next page there's a  
 13:40:26 4 section called Professional Goals.  
 13:40:28 5 A. Yes.  
 13:40:29 6 Q. And her first goal is to increase revenue  
 13:40:33 7 by 10 percent over the year 2000 revenue?  
 13:40:37 8 A. That's correct.  
 13:40:38 9 Q. And she says, quote, As this is the  
 13:40:42 10 increase the company will try to obtain, quote. Do  
 13:40:49 11 you understand what she meant by that?  
 13:40:51 12 A. Not completely, because I don't know at  
 13:40:53 13 that point if the quotas had been established for  
 13:40:58 14 the office yet.  
 13:40:58 15 Q. Okay. Rather than go through some of  
 13:41:26 16 these documents, let me just ask you: Were you  
 13:41:29 17 aware that her previous performance reviews were all  
 13:41:32 18 Exceeds Expectations?  
 13:41:32 19 A. Yes, I was.  
 13:41:34 20 (Plaintiff's Exhibit 26  
 13:41:34 21 was referenced.)  
 13:41:50 22 Q. Okay. I show you Plaintiff's Exhibit  
 13:41:57 23 Number 26, which consists of three pages. Do you  
 13:42:00 24 recognize this document?

13:42:01 1 A. Yes, I do.  
 13:42:03 2 Q. Do the three pages go together?  
 13:42:05 3 A. Yes, they do.  
 13:42:07 4 Q. Okay. Can you tell me what this is?  
 13:42:08 5 A. This is the new performance review and  
 13:42:15 6 goal setting form that was to be used starting last  
 13:42:20 7 year for the national sales force.  
 13:42:23 8 Q. All right. The first page, this is a  
 13:42:28 9 letter or memo dated May 18th, 2001?  
 13:42:31 10 A. Correct.  
 13:42:32 11 Q. And it's from you?  
 13:42:34 12 A. Yes.  
 13:42:34 13 Q. To all the directors of national accounts  
 13:42:38 14 in your region?  
 13:42:38 15 A. Yes.  
 13:42:39 16 Q. And are you telling them you're  
 13:42:45 17 instituting this new procedure?  
 13:42:46 18 A. Yes. This form was approved by the five  
 13:42:49 19 directors of the national sales offices, with Jack  
 13:42:54 20 Horne's approval, to better reflect the duties that  
 13:42:56 21 the national sales force used -- or conducted on a  
 13:43:01 22 day-to-day basis. And this was -- this was, in  
 13:43:04 23 fact, the new form for everyone, yes.  
 13:43:06 24 Q. Okay. And the new form you're talking

13:43:09 1 about, is that what is shown on the next two pages?  
 13:43:11 2 A. That is correct.  
 13:43:12 3 Q. Tell me, if you know, whose idea was this  
 13:43:14 4 new form?  
 13:43:15 5 A. This was originally started with Gus  
 13:43:19 6 Vonderheide. He brought it up with Jack Horne on a  
 13:43:24 7 conference call. And then Gus, myself and the other  
 13:43:29 8 directors sat down to brainstorm what components we  
 13:43:34 9 felt were appropriate for the national sales force  
 13:43:38 10 to be reviewed upon.  
 13:43:39 11 Q. So is this a compilation of all five  
 13:43:45 12 directors' ideas?  
 13:43:46 13 A. Yes.  
 13:43:46 14 Q. Okay. Who put this together, do you know?  
 13:43:48 15 A. The actual layout of the form? This came  
 13:43:54 16 from Gus Vonderheide in -- in Omaha.  
 13:43:58 17 Q. When did this project get started?  
 13:44:00 18 A. It started shortly after the 2000 review  
 13:44:07 19 and concluded at the Hyatt masters' meeting at Lake  
 13:44:13 20 Las Vegas where the document was -- was finally  
 13:44:15 21 approved by Jack Horne.  
 13:44:16 22 Q. When was that?  
 13:44:17 23 A. It was in May. I -- I don't know the  
 13:44:21 24 exact date of the -- of the meeting.

13:44:21 1 Q. Okay. May 2001?  
 13:44:27 2 A. That's correct.  
 13:44:28 3 Q. Did anyone else besides Mr. Horne approve  
 13:44:31 4 it?  
 13:44:31 5 A. I believe a copy was sent to human  
 13:44:34 6 resources for approval.  
 13:44:35 7 Q. How was this form supposed to be used?  
 13:44:43 8 A. This form was supposed to be used similar  
 13:44:46 9 to the form that the national sales force had seen  
 13:44:49 10 in the past where they would have different  
 13:44:52 11 categories, but we broke it down into areas where  
 13:44:55 12 the business was -- was taking place that would  
 13:44:57 13 better reflect what their true activities were.  
 13:45:07 14 There -- there were many operational type issues in  
 13:45:07 15 the -- in the previous document that we didn't think  
 13:45:07 16 matched up well with what the -- the national sales  
 13:45:09 17 force was being asked to do.  
 13:45:10 18 Q. Can you look back at Exhibit 16? Do you  
 13:45:21 19 have that there?  
 13:45:21 20 A. Yes. Yes.  
 13:45:21 21 Q. Was this new form supposed to replace  
 13:45:24 22 Exhibit 16?  
 13:45:24 23 A. That's correct.  
 13:45:25 24 Q. As an annual performance review?

13:46:32 1 Mr. Horne?  
 13:46:32 2 A. Yes, I did.  
 13:46:32 3 Q. Did he approve using this as a midyear  
 13:46:36 4 review?  
 13:46:36 5 A. He thought it was a good idea.  
 13:46:37 6 Q. Do you know if the other -- are you  
 13:46:41 7 referred to as a regional director?  
 13:46:42 8 A. The other directors of the -- director of  
 13:46:45 9 the national sales office in Chicago.  
 13:46:47 10 Q. Do you know if the other office directors  
 13:46:49 11 used the midyear review?  
 13:46:51 12 A. I don't know if they did that or not.  
 13:46:53 13 Q. Okay. Okay. Do you recall sometime in  
 13:47:09 14 January of 2001 Mrs. Hildebrandt submitting her  
 13:47:17 15 sales goal for the first six months?  
 13:47:18 16 A. Yes, I do.  
 13:47:19 17 Q. Something she's required to do, right?  
 13:47:22 18 A. I ask for feedback, yes.  
 13:47:24 19 Q. And do you recall she submitted a  
 13:47:25 20 \$3 million goal?  
 13:47:26 21 A. Yes, I do.  
 13:47:27 22 Q. And at that point she was no longer  
 13:47:33 23 handling the IT accounts, right?  
 13:47:35 24 A. That is correct.

13:45:27 1 A. As an annual performance review, correct.  
 13:45:30 2 Q. Okay. Now, whose idea was it to use this  
 13:45:32 3 for a midyear performance review?  
 13:45:35 4 A. That was my idea.  
 13:45:36 5 Q. Okay. Can you tell me how that came  
 13:45:38 6 about?  
 13:45:38 7 A. Yes. Because we had a new form and the  
 13:45:44 8 evaluation process had been changed for the  
 13:45:46 9 criteria, I felt it was important that we expose  
 13:45:50 10 this document to everybody early on in the year so  
 13:45:53 11 they could become accustomed to what the format  
 13:45:56 12 would be before we got to a merit increase  
 13:45:59 13 performance review at the end of the year.  
 13:46:02 14 I also wanted to let people know my  
 13:46:04 15 expectations as I went through the evaluation  
 13:46:07 16 process, which were different after having a  
 13:46:10 17 substantial amount of time with Bruce Small. We  
 13:46:12 18 think differently and I wanted to make sure that we  
 13:46:15 19 had some communication, and to the point where if  
 13:46:17 20 there was an area that we'd like to see improvement,  
 13:46:21 21 there's sufficient time to make that improvement  
 13:46:23 22 to -- to allow the person to have a -- a maximum  
 13:46:26 23 review, come the following year.  
 13:46:29 24 Q. Is this something that you discussed with

13:47:35 1 Q. Just group accounts?  
 13:47:38 2 A. Correct.  
 13:47:38 3 Q. And did you ask her to submit a higher  
 13:47:42 4 number?  
 13:47:42 5 A. I did.  
 13:47:45 6 Q. Okay.  
 13:47:45 7 A. Yes, I did.  
 13:47:45 8 Q. Why was that?  
 13:47:46 9 A. The office quota, that assigned by Jack  
 13:47:51 10 Horne to myself, increased significantly and  
 13:47:54 11 required everybody to re-evaluate the number they  
 13:47:57 12 had provided.  
 13:47:57 13 Q. So you had to move quotas up because Mr.  
 13:48:00 14 Horne had increased the quota for the office?  
 13:48:03 15 A. That's correct.  
 13:48:04 16 Q. Okay. And then do you remember her  
 13:48:06 17 submitting a quota around the first part of February  
 13:48:12 18 of 3.5 million?  
 13:48:13 19 A. That was her second revision, correct.  
 13:48:17 20 Q. Okay. And do you recall being involved in  
 13:48:21 21 a call with her and Mark Henry?  
 13:48:24 22 A. Yes, I do.  
 13:48:25 23 Q. Okay. Can you tell me what you recall  
 13:48:27 24 about that phone call, what each of you said.

13:44:30 1 A. The call -- I made the call with Mark, my  
 13:48:35 2 associate director of sales, in the room and we went  
 13:48:41 3 over where I thought the quota would be. It was  
 13:48:44 4 significantly higher than what Miss Hildebrandt  
 13:48:47 5 thought it should be.  
 13:48:48 6 She said, this is bullshit.  
 13:48:51 7 I said, let's -- let's talk about this.  
 13:48:54 8 I'm looking at a tentative report that had activity  
 13:48:58 9 that's expected to close in the first six months.  
 13:49:01 10 Is there something I'm missing on here?  
 13:49:03 11 We had some brief discussion and she  
 13:49:05 12 pointed out some things that weren't going to close  
 13:49:07 13 that on paper looked like they were going to close,  
 13:49:10 14 and that's -- resulted in a revision downward of her  
 13:49:16 15 quota.  
 13:49:17 16 Q. Why was Mark Henry on this call?  
 13:49:20 17 A. Mark is associate director of sales whose  
 13:49:25 18 goal someday is to -- to be a director of an office.  
 13:49:27 19 And in talking with Mark, he had never been involved  
 13:49:30 20 in quota setting at all with Bruce Small. And so I  
 13:49:34 21 felt it was a development tool for him to at least  
 13:49:36 22 walk through and -- and hear people's concerns,  
 13:49:41 23 because we did see a big jump in the quota, and I --  
 13:49:45 24 I know it was more than I expected and I know it was

13:49:49 1 more -- more than most people expected based on the  
 13:49:52 2 quota that we were assigned.  
 13:49:53 3 Q. Do you remember telling Miss Hildebrandt  
 13:49:57 4 that Mark Henry was a witness on the call?  
 13:50:00 5 A. A witness? No, I don't remember that  
 13:50:04 6 comment.  
 13:50:04 7 Q. Okay. You anticipated a problem on this  
 13:50:08 8 quota, didn't you?  
 13:50:08 9 A. Yes. Any time we get a raise of  
 13:50:10 10 \$20 million, I -- I expect to have discussions with  
 13:50:13 11 everybody, yes.  
 13:50:13 12 Q. Did you talk to Jack Horne about that,  
 13:50:16 13 that this is going to cause problems?  
 13:50:17 14 A. I talked to Jack. You -- you know, we --  
 13:50:21 15 we had some discussion, but the number stood.  
 13:50:24 16 Q. Okay. And how were you able to reduce it  
 13:50:30 17 to -- from 5 million?  
 13:50:30 18 A. Well, what -- what I was able to do, after  
 13:50:34 19 talking with Jack, is he allowed me to put some  
 13:50:37 20 revenue in -- into my name, even though there  
 13:50:39 21 weren't necessarily accounts assigned to me, again,  
 13:50:43 22 to -- office had to make the number, but again to  
 13:50:47 23 allow some relief amongst people in the office  
 13:50:50 24 that -- that might already be at the maximum they

13:50:55 1 could probably produce.  
 13:50:55 2 Q. So part of the quota then got assigned to  
 13:51:05 3 you?  
 13:51:05 4 A. That's correct.  
 13:51:05 5 Q. And do you remember who the various people  
 13:51:05 6 were who couldn't handle these higher quotas?  
 13:51:07 7 A. Well, one in particular was -- was Barbara  
 13:51:10 8 Hale in the automotive market. We -- there -- there  
 13:51:13 9 was no life in that market for the most part, so her  
 13:51:18 10 quota could not be moved up without completely  
 13:51:21 11 demoralizing her and giving her no -- no even hope  
 13:51:26 12 of positive performance.  
 13:51:27 13 Q. Do you remember how much you had to lower  
 13:51:30 14 her quota by?  
 13:51:31 15 A. I don't know off the top of my head, but  
 13:51:34 16 it -- it was in excess of a million dollars.  
 13:51:35 17 Q. Okay. Do you remember setting Mrs.  
 13:51:41 18 Hildebrandt's quota at 4.1 million?  
 13:51:43 19 A. I believe that is where we ended up, yes.  
 13:51:47 20 Q. Okay. Did you talk to Mr. Horne about the  
 13:51:52 21 problem that you would have in raising these quotas  
 13:51:54 22 when there's a recession going on?  
 13:51:56 23 A. We talked about it. Again, the number was  
 13:52:02 24 the number. Jack received this -- his quota from Ty

13:52:06 1 Helms, so that was -- the national sales number was  
 13:52:13 2 the national sales number.  
 13:52:14 3 Q. Okay. So Mr. Horne had a number and he  
 13:52:16 4 had to pass that down to you?  
 13:52:20 5 A. Correct.  
 13:52:21 6 Q. Okay. Did anyone explain to you why they  
 13:52:40 7 set such high quotas?  
 13:52:41 8 A. It was a -- it was a function of the  
 13:52:45 9 hotel's quota, the field, and we get a percentage of  
 13:52:48 10 that, anywhere between 38 and 41 percent.  
 13:52:53 11 Q. Who -- who was it that explained that to  
 13:52:56 12 you?  
 13:52:56 13 A. Well, Jack Horne explained it to me.  
 13:52:59 14 Q. Okay. Could you explain it to me, because  
 13:53:01 15 I don't quite understand.  
 13:53:02 16 A. Certainly. The -- and this goes back in  
 13:53:05 17 the future group revenue targets again, so I'm --  
 13:53:08 18 each hotel has a booking site. The larger hotels  
 13:53:11 19 book further out, maybe upwards of five to seven  
 13:53:16 20 years. The smaller hotels would maybe book within a  
 13:53:20 21 three-year period.  
 13:53:21 22 Q. Okay.  
 13:53:21 23 A. Those revenue figures are rolled up into  
 13:53:24 24 divisional numbers, and there are five divisions,



13:53:27 1 which are rolled up into a company number.  
 13:53:29 2 So during a Pride period there is a total  
 13:53:33 3 revenue expected to be booked by the company, from  
 13:53:36 4 the field's perspective. We get a portion of that  
 13:53:40 5 based on our -- our contribution in previous years  
 13:53:43 6 and it's been running 38 to 42 percent. So the  
 13:53:47 7 higher the field quota is, our quota goes up as  
 13:53:52 8 well.  
 13:53:52 9 Q. The field quota is based on their  
 13:53:57 10 bookings?  
 13:53:58 11 A. Their bookings.  
 13:53:58 12 Q. Future --  
 13:53:58 13 A. Current year and future bookings, yes.  
 13:54:03 14 Q. Okay. Now, that doesn't take into account  
 13:54:05 15 a downturn in the economy, right?  
 13:54:07 16 A. Not completely.  
 13:54:08 17 Q. Okay. Did Hyatt ever adjust these quotas  
 13:54:14 18 because of the events in the year 2001?  
 13:54:18 19 A. No.  
 13:54:18 20 Q. Okay. They expected people to keep  
 13:54:27 21 performing as had been projected prior to that year?  
 13:54:29 22 A. Keep performing to the best of their  
 13:54:32 23 ability. Certainly the events of 9/11 was a very  
 13:54:37 24 challenging environment.

13:54:39 1 Q. Right. Okay. Now, going to July of 2001,  
 13:54:44 2 do you recall a midyear review with  
 13:54:50 3 Mrs. Hildebrandt?  
 13:54:50 4 A. Yes, I do.  
 13:54:51 5 Q. Okay. Do you remember where this took  
 13:54:53 6 place?  
 13:54:53 7 A. At the Hyatt Regency Cincinnati, in her  
 13:54:57 8 office.  
 13:54:57 9 Q. And of course this was the first time she  
 13:55:00 10 ever had a midyear review?  
 13:55:02 11 A. That's correct.  
 13:55:02 12 Q. And is it -- did you give a midyear review  
 13:55:07 13 to all of your managers?  
 13:55:08 14 A. Yes, I did.  
 13:55:09 15 Q. Okay.  
 13:55:09 16 (Plaintiff's Exhibit 27  
 13:55:09 17 was referenced.)  
 13:55:27 18 Q. Okay. Do you recognize Plaintiff's  
 13:55:37 19 Exhibit Number 27?  
 13:55:37 20 A. Yes, I do.  
 13:55:38 21 Q. What is this?  
 13:55:39 22 A. This is the midyear review that I had with  
 13:55:43 23 Ms. Hildebrandt.  
 13:55:43 24 Q. Okay. Now, I think it was mentioned in --

13:55:50 1 in her deposition that you kept a copy in your  
 13:55:54 2 files?  
 13:55:54 3 A. I kept a copy for my use only, yes.  
 13:55:58 4 Q. But you didn't turn this in to anyone?  
 13:56:02 5 A. I did not. I made it very clear from the  
 13:56:04 6 beginning that this was a working document. We had  
 13:56:08 7 never done midyear reviews and I wanted -- it was  
 13:56:12 8 a -- to introduce the document to the individual  
 13:56:14 9 directors and it was not going to be sent to  
 13:56:17 10 anyone's permanent file.  
 13:56:19 11 Q. Okay. Can we look at the area of  
 13:56:22 12 Financial Management.  
 13:56:22 13 A. Yes.  
 13:56:23 14 Q. The first item is "Production achievement  
 13:56:30 15 versus quota"?  
 13:56:31 16 A. Correct.  
 13:56:31 17 Q. What does that refer to?  
 13:56:34 18 A. That would be the net production through  
 13:56:38 19 the first half of the year compared to the quota  
 13:56:41 20 that was established.  
 13:56:42 21 Q. Now, is this where she was at about  
 13:56:47 22 79 percent?  
 13:56:48 23 A. Correct. 78.8, approximately, yes.  
 13:56:51 24 Q. Okay. What was wrong with that production

13:56:58 1 achievement?  
 13:56:58 2 A. Well, it -- it was -- it was lower than we  
 13:57:00 3 had hoped for this particular marketplace. Our  
 13:57:06 4 Pride or bonus payout doesn't start until  
 13:57:09 5 90 percent, so anything -- anything below that would  
 13:57:15 6 be an area that we need to improve in.  
 13:57:18 7 Q. Okay. Well, I remember you mentioned a  
 13:57:20 8 couple minutes ago that 79 percent of quota in a  
 13:57:24 9 recession was pretty good performance.  
 13:57:26 10 A. It -- it was a pretty good performance,  
 13:57:29 11 yes.  
 13:57:29 12 Q. I'm not sure, what were you trying to tell  
 13:57:34 13 her by saying needs improvement here?  
 13:57:36 14 A. Well, just the -- the fact that -- that  
 13:57:38 15 the financial performance or production from the --  
 13:57:42 16 the directors was -- was very important, we needed  
 13:57:45 17 to continue to work towards that, we're judged on  
 13:57:49 18 our numbers and we needed her contribution to be  
 13:57:59 19 successful.  
 13:58:00 20 Q. Now, were you getting any input from Mr.  
 13:58:02 21 Horne about people meeting their quotas?  
 13:58:05 22 A. No.  
 13:58:07 23 Q. Okay. Now, there are three other  
 13:58:11 24 subcategories here.



13:58:12 1 A. Em-hmm.  
 13:58:12 2 Q. Two of them are -- you rated her meets  
 13:58:17 3 expectation --  
 13:58:17 4 A. Em-hmm.  
 13:58:17 5 Q. -- and one exceeds?  
 13:58:19 6 A. Yes.  
 13:58:26 7 Q. Under my math that wouldn't equal out to a  
 13:58:31 8 total rating of needs improvement, but you --  
 13:58:33 9 MS. GALLION: I object. If that's a  
 13:58:36 10 question, I move to strike it.  
 13:58:38 11 Q. -- you gave her a total rating of  
 13:58:41 12 improvement needed, right?  
 13:58:42 13 A. That's correct.  
 13:58:43 14 Q. How did you compute that?  
 13:58:45 15 A. Well, I -- production drove the rating on  
 13:58:47 16 this particular area. The other areas in there, I  
 13:58:53 17 looked to give a -- a review that was accurate, but  
 13:58:59 18 production drives the financial management area for  
 13:59:02 19 the national sales managers.  
 13:59:06 20 Q. Can you look at the last page.  
 13:59:14 21 A. Yes.  
 13:59:14 22 Q. You see there's some bullet points there?  
 13:59:20 23 A. Yes.  
 13:59:20 24 Q. And the last one is "Get more of your

13:59:23 1 customers to Hyatt Events."  
 13:59:24 2 A. Right.  
 13:59:28 3 Q. You understand that she doesn't choose who  
 13:59:32 4 goes to the Hyatt events, don't you?  
 13:59:33 5 A. She doesn't have the ultimate selection,  
 13:59:36 6 that's correct.  
 13:59:36 7 Q. All she can do is submit names?  
 13:59:38 8 A. Correct.  
 13:59:39 9 Q. And you're aware she did submit names,  
 13:59:41 10 aren't you?  
 13:59:41 11 A. Yes.  
 13:59:42 12 Q. Okay. Did you realize that this is the  
 13:59:45 13 lowest rating she's received in 22 years with the  
 13:59:49 14 company?  
 13:59:49 15 A. I did not know that.  
 13:59:49 16 Q. You didn't know that at the time?  
 13:59:51 17 A. I didn't know that at the time.  
 13:59:52 18 Q. Okay. Do you remember during the midyear  
 14:00:05 19 review discussing her recent marriage?  
 14:00:07 20 A. Yes, I do.  
 14:00:09 21 Q. And do you remember asking her whether she  
 14:00:11 22 might stop working and stay at home now that she was  
 14:00:14 23 married?  
 14:00:14 24 A. I don't remember saying that.

14:00:16 1 Q. Okay. Do you deny that you said that?  
 14:00:19 2 A. I -- I -- I'm saying I don't remember  
 14:00:21 3 saying it that -- that way you just expressed it.  
 14:00:27 4 Q. What did you -- what do you remember  
 14:00:27 5 saying?  
 14:00:27 6 A. What I remember is before the midyear  
 14:00:31 7 review began, Jack Horne called me into his office  
 14:00:33 8 and said that he had received a call from Scott  
 14:00:36 9 Allen asking that he got the feeling that  
 14:00:40 10 Miss Hildebrandt might want to do something else at  
 14:00:43 11 the end of 2001. Jack said, can you go down when  
 14:00:46 12 you talk with her and find out if, in fact, that is  
 14:00:51 13 true.  
 14:00:51 14 In -- in my conversation with  
 14:00:54 15 Miss Hildebrandt I brought up the -- the fact, were  
 14:00:57 16 there other things that she wanted to do, were you  
 14:01:00 17 limited with regard to your -- your ability to move,  
 14:01:03 18 given that your husband is a -- an elected official?  
 14:01:11 19 I offered would a home office be of interest to her,  
 14:01:15 20 because many of our -- our remote locations had gone  
 14:01:19 21 to a home office, would that be more convenient for  
 14:01:21 22 her. She did a tremendous job for the company with  
 14:01:24 23 regard to Coconut Point in the presell; was there  
 14:01:25 24 something in that area.

14:01:26 1 We were afraid that we were going to lose  
 14:01:29 2 her to someone else and we didn't want that to  
 14:01:32 3 happen. And so I had never had a chance to sit down  
 14:01:35 4 with her and talk about her career, in my mind, in  
 14:01:39 5 any great detail and I -- and I didn't want to miss  
 14:01:41 6 this opportunity to -- to see if she would be  
 14:01:45 7 forthcoming with it.  
 14:01:46 8 After our discussion she said, I'm very  
 14:01:48 9 happy with what I'm doing. And that was  
 14:01:50 10 satisfactory to me, that that's fine.  
 14:01:51 11 Q. Why were you afraid to lose her?  
 14:01:57 12 A. Because she -- she was a top performer.  
 14:01:59 13 Q. Is that particularly important in a  
 14:02:04 14 recession period?  
 14:02:04 15 A. Absolutely.  
 14:02:05 16 Q. Tell me everything you can remember about  
 14:02:10 17 the conversation you had with Mr. Horne before this  
 14:02:13 18 review.  
 14:02:13 19 A. It -- it was a -- it was a brief  
 14:02:16 20 conversation where he came in my office and said  
 14:02:21 21 Scott Allen called and felt that Miss Hildebrandt  
 14:02:25 22 wanted to do something else with her career. He  
 14:02:28 23 didn't elaborate.  
 14:02:30 24 Q. Did he say anything more about what Mr.

14:02:34 1 Allen said?

14:02:34 2 A. He did not.

14:02:35 3 Q. Okay. What instructions did he give you?

14:02:37 4 A. He said when you -- he said you have a --

14:02:37 5 you're going down to Cincinnati for -- to go over

14:02:40 6 the midyear review. And I said, yes, I am. He

14:02:42 7 said, can you please find out if there's something

14:02:44 8 that she'd like to do, because we want her to stay

14:02:47 9 with the company.

14:02:48 10 Q. Okay. Do you remember her being upset

14:02:51 11 over your question about her marriage?

14:02:52 12 A. I -- I do remember that, yes.

14:02:54 13 Q. And asking you if you would have asked

14:02:56 14 that question to men?

14:02:57 15 A. And I remember her saying that, yes.

14:02:59 16 Q. Do you remember discussing with her the

14:03:06 17 fact that Brian Cassidy and Terri Williams had

14:03:10 18 recently resigned?

14:03:11 19 A. I don't remember that, no.

14:03:13 20 Q. Do you deny that was discussed?

14:03:16 21 A. I don't remember that part of the

14:03:18 22 discussion.

14:03:18 23 Q. Do you remember talking to her about

14:03:23 24 whether her accounts could be handled from Chicago?

14:03:25 1 A. I did ask that question.

14:03:26 2 Q. Okay. Why were you wanting to know that?

14:03:28 3 A. Well, and again going back to if there was

14:03:31 4 something else she wanted to do, based on her

14:03:34 5 account relationships here, and she had been an

14:03:36 6 established player in this community for many years,

14:03:40 7 not only as on my staff presently but before that as

14:03:42 8 director of sales and marketing at the Hyatt Regency

14:03:46 9 Cincinnati, would it be important to have someone

14:03:48 10 down here, would the customers come to expect that,

14:03:52 11 if she were to go to do something else.

14:03:54 12 But when she said, no, I'm happy with what

14:03:57 13 I'm doing, that was very satisfactory to me and I

14:03:59 14 didn't -- didn't pursue it any further and -- and --

14:04:02 15 and, quite frankly, moved on to other issues because

14:04:04 16 I -- we didn't have one.

14:04:05 17 Q. What did she tell you about whether these

14:04:07 18 accounts could be handled from Chicago?

14:04:08 19 A. She felt it would be important to have

14:04:11 20 someone here.

14:04:11 21 Q. Did you agree?

14:04:12 22 A. I -- I respected her opinion, and

14:04:14 23 that's -- and I was looking for her opinion.

14:04:17 24 Q. What did she say when you asked her if she

14:04:26 1 would -- I'm not sure if I'm phrasing this

14:04:26 2 correctly, so you can correct me -- if she would be

14:04:28 3 amenable to a home office?

14:04:29 4 A. She said that might be a possibility and

14:04:32 5 didn't commit one way or the other.

14:04:33 6 Q. Okay. Why were you opening up a

14:04:37 7 discussion of a home office?

14:04:38 8 A. Well, in many of our hotels we start to

14:04:41 9 see at some point in time, with the ownership setup,

14:04:44 10 that we may see rent being due to -- to occupy the

14:04:48 11 space. We didn't have that situation in this

14:04:51 12 particular case, but it's been our experience and

14:04:53 13 that's the reason why I said, you know, would a home

14:04:56 14 office be of interest to you, because then once we

14:04:59 15 have someone established in the office at home, then

14:05:03 16 once initial start-up is in there we just have to

14:05:06 17 pay the -- the -- the monthly connection charges.

14:05:09 18 Q. Okay. So there was no rent cost in her

14:05:14 19 office?

14:05:14 20 A. Not -- not at that time, no.

14:05:14 21 Q. Did you -- do you remember indicating to

14:05:21 22 her that the company was planning or considering

14:05:24 23 closing the Cincinnati office?

14:05:26 24 A. No. At that point I had no idea that

14:05:30 1 we -- there was no discussions about any closures

14:05:34 2 whatsoever.

14:05:34 3 Q. Do you remember telling her that your wife

14:05:36 4 Peggy was politicking to have the office in

14:05:41 5 Cincinnati remain open so you could continue

14:05:45 6 visiting?

14:05:45 7 A. Oh. At a -- on a -- on a -- a jestful

14:05:50 8 nature, yes, she'd like to see it keep open,

14:05:53 9 because, again, her family's here.

14:05:55 10 Q. Well, why would you have to worry about

14:05:58 11 having it remain open if there was no consideration

14:06:01 12 of closing it?

14:06:01 13 A. There -- there was no consideration of

14:06:04 14 closing it. Peggy's comments were it was nice to

14:06:07 15 have an office where you could go visit and -- and

14:06:09 16 be with family if -- if the -- if the situation

14:06:12 17 allowed. It was -- it was nothing more than -- than

14:06:16 18 her desire to have me cover an area that she grew up

14:06:20 19 in. She -- once we -- once we were married and

14:06:22 20 moved away she's not been back in Cincinnati, and

14:06:26 21 her entire family's here. So this is probably as

14:06:29 22 close to Cincinnati that I was going to get from an

14:06:31 23 assignment standpoint.

14:06:32 24 Q. Well, I -- I understand why you want to be

14:06:34 1 close to Cincinnati. My question is why you're  
 14:06:37 2 raising the subject of politicking to have the  
 14:06:41 3 office remain open if --  
 14:06:42 4 A. I --  
 14:06:42 5 Q. -- no one's considering closing it.  
 14:06:44 6 A. Politicking is not an accurate  
 14:06:48 7 statement --  
 14:06:48 8 Q. Okay.  
 14:06:48 9 A. -- for my --  
 14:06:48 10 Q. What do you believe you said?  
 14:06:49 11 A. I -- I believe I said that Peggy likes the  
 14:06:51 12 fact that there's a Cincinnati office here that  
 14:06:53 13 allows me to come and conduct business in her  
 14:06:56 14 hometown.  
 14:06:56 15 Q. Okay. Do you remember Mrs. Hildebrandt  
 14:07:01 16 telling you that she planned to stay in her job for  
 14:07:04 17 many years to come?  
 14:07:04 18 A. Yes, she did.  
 14:07:06 19 Q. Okay. Did you convey this back to Jack  
 14:07:07 20 Horne?  
 14:07:07 21 A. Yes, I did.  
 14:07:08 22 Q. When?  
 14:07:10 23 A. The very next day when I went back to --  
 14:07:12 24 or the next time I was in the office, I should say.

14:07:15 1 I don't know if that was a day or two later, but  
 14:07:18 2 left -- the next time I had an opportunity to see  
 14:07:20 3 Jack.  
 14:07:20 4 Q. Can you tell me what you can recall about  
 14:07:21 5 this conversation, what you said and what --  
 14:07:24 6 A. Certainly.  
 14:07:24 7 Q. -- he said.  
 14:07:24 8 A. Jack asked how it went. I said -- I said,  
 14:07:27 9 it went fine. I said, Ms. Hildebrandt is very happy  
 14:07:31 10 in her job. We talked about a home office.  
 14:07:35 11 And Jack said, that's fine. If that's  
 14:07:37 12 something down the road that she'd like to pursue,  
 14:07:40 13 we'd certainly support that. And -- and that was  
 14:07:41 14 it. He was -- he was satisfied with -- with the  
 14:07:44 15 answers that I gave him.  
 14:07:45 16 Q. He was -- was he satisfied that she had no  
 14:07:48 17 intention to leave the company?  
 14:07:49 18 A. Yes.  
 14:07:49 19 Q. All right. We've been going for more than  
 14:08:09 20 an hour. Would you like to have a break?  
 14:08:11 21 A. Yeah, that would be nice. Thank you.  
 10:57:45 22 (Recess taken: 2:08 p.m. - 2:29 p.m.)  
 14:29:36 23 VIDEOGRAPHER: You're on the record.  
 14:29:38 24 BY MR. STEINBERG:

14:29:38 1 Q. Mr. Booth, after September 11th, the  
 14:29:45 2 events of September 11th, 2001, do you remember Mr.  
 14:29:52 3 Horne stating that you should be optimistic about  
 14:29:57 4 sales matters, because people have to meet?  
 14:30:04 5 A. Yes.  
 14:30:05 6 Q. And do you remember him saying that the  
 14:30:07 7 sales organization needs to be one with compassion?  
 14:30:09 8 A. Yes.  
 14:30:09 9 Q. Do you remember him saying that the Hyatt  
 14:30:16 10 sales organization has a chance to win relationships  
 14:30:20 11 for the long term by dealing with the short term  
 14:30:24 12 with sensitivity and common sense?  
 14:30:26 13 A. Yes, I do.  
 14:30:27 14 Q. Do you think that Hyatt dealt with Mrs.  
 14:30:33 15 Hildebrandt with compassion and sensitivity and  
 14:30:37 16 common sense?  
 14:30:40 17 MS. GALLION: I'm going to object to the  
 14:30:41 18 extent that calls for a question that he may  
 14:30:43 19 not be competent to give.  
 14:30:44 20 If you have an opinion, please express it.  
 14:30:47 21 A. I can't speak for the entire company, no.  
 14:30:49 22 Q. Did Mr. Horne tell you that Hyatt's  
 14:30:54 23 competitors were overleveraged and short on capital  
 14:30:57 24 and they were going to lose stock value because of

14:31:00 1 the September 11th events?  
 14:31:01 2 A. I remember that statement, yes.  
 14:31:03 3 Q. And do you remember him saying that Hyatt  
 14:31:06 4 was in a position unlike any of its competitors and  
 14:31:10 5 that it had the resources to weather the storm and  
 14:31:14 6 come out ahead when the economy turned in its favor?  
 14:31:17 7 A. Yes, I remember that statement.  
 14:31:18 8 Q. And you're aware that after September 11th  
 14:31:28 9 but before these reductions Hyatt followed through  
 14:31:33 10 on a decision to open a new resort in Coconut Point?  
 14:31:35 11 A. Yes.  
 14:31:37 12 Q. That was around September 24th, wasn't it?  
 14:31:40 13 A. Approximately.  
 14:31:40 14 Q. Okay. Have you discussed this lawsuit  
 14:31:56 15 with anybody besides your attorneys?  
 14:31:57 16 A. The -- Ty Helms and Jack Horne.  
 14:32:04 17 Q. And have you discussed with Mr. Helms and  
 14:32:08 18 Mr. Horne what your testimony might be today?  
 14:32:18 19 A. No.  
 14:32:18 20 Q. Are you aware of any surveys or studies  
 14:32:19 21 over the last five years done by Hyatt that relate  
 14:32:24 22 to resignation or termination?  
 14:32:26 23 A. No.  
 14:32:29 24 Q. Are you aware of any surveys or studies